



LODI CITY COUNCIL

Carnegie Forum
305 West Pine Street, Lodi

AGENDA - REGULAR MEETING

Date: February 18, 2004

Time: Closed Session 5:30 p.m.
Regular Meeting 7:00 p.m.

For information regarding this Agenda please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

NOTE: All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.

C-1 Call to Order / Roll Call

C-2 Announcement of Closed Session

- a) Actual Litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- b) Actual litigation: Government Code §54956.9(a); one case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658
- c) Conference with legal counsel – initiation of litigation: Government Code §54956.9(c); two cases

C-3 Adjourn to Closed Session

NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.

C-4 Return to Open Session / Disclosure of Action

A. Call to Order / Roll call

B. Invocation – Reverend Fred Chacon, Loving Hymn Ministries

C. Pledge of Allegiance – Boy Scout Troop 199

D. Presentations

D-1 Awards – None

D-2 Proclamations

- a) Prevent a Litter Month / Spay Day USA 2004

D-3 Presentations

- a) Presentation by the Greater Lodi Area Youth Commission regarding Honoring Teens Program (COM)
- b) Presentation of Certificates of Recognition to Boy Scouts Jonathan David Gilbert and William Joseph Glissman for obtaining the rank of Eagle Scout (CC)
- c) Presentation of monetary gift by Hutchins Street Square Foundation as voluntary debt retirement toward Hutchins Street Square Performing Arts and Conference Center (COM)
- d) Presentation regarding Su Salud's Tour of Life scheduled to be held March 7 in Lodi (CM)

E. Consent Calendar (Reading; comments by the public; Council action)

- E-1 Receive Register of Claims in the amount of \$2,148,783.31 (FIN)

- E-2 Approve minutes (CLK)
 - a) January 20, 2004 (Shirtsleeve Session)
 - b) January 21, 2004 (Regular Meeting)
 - c) January 27, 2004 (Shirtsleeve Session)
 - d) February 3, 2004 (Shirtsleeve Session)
- Res. E-3 Adopt resolution awarding contract for Security Services at the Lodi Station/Lodi Station Parking Structure to Securitas, of Stockton (\$113,710) (PW)
- E-4 Accept improvements under contract for Lodi Avenue Asphalt Concrete Resurfacing, Ham Lane to Union Pacific Railroad (PW)
- E-5 Accept improvements under contract for Kettleman Lane Median Improvements, Hutchins Street to School Street (PW)
- E-6 Accept improvements under contract for Lockeford Street Storm Drainage Improvements, Mills Avenue to 300 feet east of Loma Drive (PW)
- Res. E-7 Adopt resolution awarding the bid and authorizing the City Manager to execute a contract for the City of Lodi/Lodi Unified School District Compressed Natural Gas Fueling Station Equipment with Allsup Corporation, of Upland (\$308,280) and appropriate funds upon receipt of written funding commitment from Lodi Unified School District (PW)
- Res. E-8 Adopt resolution awarding the bid and authorizing the City Manager to execute a contract for the City of Lodi/Lodi Unified School District Compressed Natural Gas Fueling Station Construction with Performance Mechanical, Inc., of Sacramento (\$315,310) and appropriate funds upon receipt of written funding commitment from Lodi Unified School District (PW)
- E-9 Authorize the City Manager to amend the professional service agreement with PMC Consultants for the preparation of the environmental impact report for the proposed commercial development at the southwest corner of Lower Sacramento Road and Kettleman Lane (CD)
- Res. E-10 Adopt resolution approving Lodi's submittal of Reasonably Available Control Measures for the San Joaquin Valley Air Pollution Control District's 2010 Ozone Attainment Plan (PW)
- Res. E-11 Adopt resolution authorizing submittals of Safe Routes to School grants to the California Department of Transportation (PW)
- Res. E-12 Adopt resolution amending Traffic Resolution 97-148 authorizing the City Manager to establish special reserved parking and angled parking on portions of Elm Street west of Church Street (PW)
- Res. E-13 Adopt resolution directing the City Clerk to prepare ordinance summaries for publication pursuant to California Government Code §36933 (CLK)
- E-14 Set public hearing for March 3, 2004, to consider and approve community input and proposals for uses of the City's 2004-05 Federal allocation of Community Development Block Grant and HOME Program funds and the reallocation of available funds from previous program years (CD)
- E-15 Set public hearing for March 17, 2004, to consider redesign concept for C-Basin (Pixley Park) and the exchange of properties with GREM, Inc., to allow the relocation of C-Basin and refer the matter to the Planning Commission (PW)

F. Comments by the public on non-agenda items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

G. Public Hearings

- Res. G-1 Public hearing to consider Reimbursement Agreement RA-03-04 establishing an area of benefit and reimbursable costs for developer-funded public improvements for the Harney Lane sanitary sewer lift station and sanitary sewer trunk line (PW)

H. Communications

- H-1 Claims filed against the City of Lodi – None
H-2 Reports: Boards/Commissions/Task Forces/Committees – None
H-3 Appointments
a) Appointments to the Lodi Arts Commission (CLK)
b) Post for vacancy on the East Side Improvement Committee (CLK)
H-4 Miscellaneous – None

I. Regular Calendar

- I-1 Updates from Mayor Larry Hansen regarding the following issues: (CC)
• Barger & Wolen audit of Envision Law Group's billings
• progress on Request for Proposals for special counsel to represent the City of Lodi in its Environmental Abatement Program litigation
• legal proceedings relative to the Environmental Abatement Program litigation
I-2 Discussion and direction regarding adjusting water and wastewater rates (PW)
Ord. I-3 Introduce ordinance repealing and reenacting Lodi Municipal Code §13.04.130 establishing low-income discounts for water, sewer, and refuse services (PW)
(Introduce)
I-4 Discussion of City Attorney recruitment (HR)
Res. I-5 Adopt resolution authorizing the City Attorney's Office to hire a contract docket clerk to assist with the Environmental Abatement Program litigation and appropriate funds for this expense (\$5,000) (CA)

J. Ordinances – None

K. Comments by the City Council Members on non-agenda items

L. Comments by the City Manager on non-agenda items

M. Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

Susan J. Blackston
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Prevent a Litter Month / Spay Day USA 2004

MEETING DATE: February 18, 2004

PREPARED BY: City Clerk

RECOMMENDED ACTION: That Mayor Hansen present a proclamation proclaiming the month of February 2004 as "Prevent a Litter Month / Spay Day USA 2004."

BACKGROUND INFORMATION: The Mayor has been requested to present a proclamation proclaiming the month of February 2004 as "Prevent a Litter Month / Spay Day USA 2004." Patricia Sherman, President of Animal Friends Connection Humane Society, will be at the meeting to accept the proclamation.

FUNDING: None required.

Susan J. Blackston
City Clerk

SJB/JMP

APPROVED: _____
H. Dixon Flynn, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE

**Presentation by the Greater Lodi Area Youth Commission
regarding Teen of the Month Program**

MEETING DATE: February 18, 2004

PREPARED BY: Greater Lodi Area Youth Commission Coordinator

RECOMMENDED ACTION: Presentation

BACKGROUND INFORMATION:

The Greater Lodi Area Youth Commission, in conjunction with Central Valley Waste Services, Inc. is sponsoring a program entitled Teen of the Month. The Lodi Youth Commission selects one teen to be awarded this honor from the applications submitted to the commission from the general public, various schools and church groups. The Teen of the Month for February 2004 is Alexandra Hodge from Lodi High School.

FUNDING: None required.

Mike Areida
Greater Lodi Area Youth Commission Coordinator



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Presentation of Certificates of Recognition to Boy Scouts Jonathan David Gilbert and William Joseph Glissman for Obtaining the Rank of Eagle Scout

MEETING DATE: February 18, 2004

PREPARED BY: City Clerk

RECOMMENDED ACTION: That Mayor Hansen present Certificates of Recognition to Boy Scouts Jonathan David Gilbert and William Joseph Glissman for obtaining the rank of Eagle Scout.

BACKGROUND INFORMATION: The Mayor has been notified that Boy Scouts Jonathan David Gilbert and William Joseph Glissman have obtained the rank of Eagle Scout. Both young men will be at the meeting to accept their certificate in recognition of their achievement.

FUNDING: None required.

Susan J. Blackston
City Clerk

SJB/JMP

APPROVED: _____
H. Dixon Flynn, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Presentation of Monetary Gift by Hutchins Street Square Foundation as Voluntary Debt Retirement toward Hutchins Street Square Performing Arts and Conference Center

MEETING DATE: February 18, 2004

PREPARED BY: Tea Silvestre, Community Center Director

RECOMMENDED ACTION: That the City Council accept a monetary gift of \$75,000 from Chairman Dennis G. Bennett of the Hutchins Street Square Foundation.

BACKGROUND INFORMATION: Since 1979, the Foundation has partnered with the City of Lodi to renovate and construct the community center at Hutchins Street Square.

The Foundation is the fundraising arm of Hutchins Street Square and has diligently worked with volunteers and donors from Lodi and its surrounding communities to provide funds and energy to build this unique facility.

FUNDING: Not applicable.

Tea Silvestre, Community Center Director

TS/Im

cc: Dennis Bennett, Foundation Chairman

APPROVED: _____
H. Dixon Flynn, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Presentation Regarding Su Salud's Tour of Life Scheduled to be Held March 7 in Lodi

MEETING DATE: February 18, 2004

PREPARED BY: Janet L. Hamilton, Management Analyst

RECOMMENDED ACTION: None Required

BACKGROUND INFORMATION: Su Salud will be hosting its Tour of Life Sunday, March 7 2004, from 11 a.m. to 4 p.m. at St. Anne's Church in Lodi. The event will focus on health education and prevention as well as offer free screenings and immunizations. Volunteers in the health care industry, interpreters, and transportation providers are desperately needed.

Dr. Carlos Bonilla of Su Salud will make a presentation.

FUNDING: None

Janet L. Hamilton
Management Analyst

APPROVED: _____
H. Dixon Flynn, City Manager

FREE HEALTH EDUCATION TOUR

TOUR EDUCACIONAL DE SALUD GRATIS

The Tour Of Life!



**St Anne's Church
215 W. Walnut Street
Lodi,
March 7, 2004
11 a.m. to 4 p.m.**

**Are you a health care professional?
Can you help?
Call (209) 320-6216 or (209) 369-1907**

**Es profesional en el área de salud?
Puede usted ayudar?
Llame (209) 320-6216 o (209) 369-1907**



El Tour de Vida!



“To Prevent Is to Cure”

“Prevenir es Curar”

El tour los guía en las etapas de la vida, desde antes del nacimiento hasta la vejez; todo lo que ustedes deben saber para proteger su salud y la de su familia.

The tour will take you from prenatal and child care to women/men and elderly care. All you need to know to protect your health and preserve the quality of your life.

**TODOS LOS SERVICIOS Y REFERENCIAS
SON GRATIS**

ALL SERVICES AND REFERRALS ARE FREE

Screenings

**Height and Weight
Diabetes
Cholesterol
Blood Pressure
Dental Disease**

Immunizations

- Diphtheria,
- Tetanus, Pertussis,
- Polio, Measles, Mumps,
- Rubella, Himofile, Hepatitis B.

Vacunas

- Difteria
- Tétano, Tos Ferina
- Polio, Sarampión, Paperas
- Rubéola, Hemofilia, Hepatitis B.

Pruebas De Diagnostic

**Peso y Estatura
Diabetes
Colesterol
Presión De La Sangre
Enfermedades Dentales**



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Receive Register of Claims Dated February 4, 2004 in the Amount of \$2,148,783.31

MEETING DATE: February 18, 2004

PREPARED BY: Finance Technician

RECOMMENDED ACTION: That the City Council receive the attached Register of Claims. The disclosure of the PCE/TCE expenditures are shown as a separate item on the Register of Claims.

BACKGROUND INFORMATION: Attached is the Register of Claims in the amount of \$2,148,783.31 dated February 4, 2004, which includes PCE/TCE payments of \$84.00

FUNDING: As per attached report.

Vicky McAthie, Finance Director

VM/kb

Attachments

APPROVED: _____
H. Dixon Flynn, City Manager

Accounts Payable
Council Report

Page - 1
Date - 02/04/04
Amount

As of Thursday	Fund	Name	Amount
01/22/04	00100	General Fund	214,550.96
	00123	Info Systems Replacement Fund	19.81
	00160	Electric Utility Fund	73,002.13
	00161	Utility Outlay Reserve Fund	6,793.51
	00164	Public Benefits Fund	8,014.80
	00170	Waste Water Utility Fund	11,301.72
	00171	Waste Wtr Util-Capital Outlay	372.00
	00172	Waste Water Capital Reserve	1,744.20
	00180	Water Utility Fund	6,944.98
	00181	Water Utility-Capital Outlay	20.81
	00210	Library Fund	9,706.27
	00211	Library Capital Account	769.68
	00230	Asset Seizure Fund	379.37
	00231	Auto Theft Prosecution Fund	171.97
	00234	Local Law Enforce Block Grant	14,127.98
	00235	LPD-Public Safety Prog AB 1913	727.65
	00236	LPD-OTS Grants	134.70
	00240	LFD-OTS Grants	179.03
	00270	Employee Benefits	9,798.08
	00300	General Liabilities	5,210.86
	00310	Worker's Comp Insurance	19,169.50
	00457	Hud-2001/02	260.76
	00458	Hud-2002/03	315.95
	01211	Capital Outlay/General Fund	42,433.66
	01212	Parks & Rec Capital	110.05
	01217	IMF Parks & Rec Facilities	500.00
	01250	Dial-a-Ride/Transportation	7,440.84
	01410	Expendable Trust	3,821.39

Sum			438,022.66

Total for Week			
Sum			438,022.66

Accounts Payable
Council Report

Page - 1
Date - 02/04/04
Amount

As of Thursday	Fund	Name	Amount
01/29/04	00100	General Fund	767,983.78
	00160	Electric Utility Fund	7,190.33
	00161	Utility Outlay Reserve Fund	16,453.01
	00164	Public Benefits Fund	38,471.11
	00170	Waste Water Utility Fund	10,518.83
	00171	Waste Wtr Util-Capital Outlay	28,056.60
	00180	Water Utility Fund	2,931.78
	00210	Library Fund	3,763.23
	00211	Library Capital Account	12,715.59
	00234	Local Law Enforce Block Grant	6,930.20
	00240	LFD-OTS Grants	1,200.00
	00270	Employee Benefits	27,561.61
	00310	Worker's Comp Insurance	11,849.87
	00325	Measure K Funds	241,626.24
	00327	IMF(Local) Streets Facilities	10,067.76
	00503	Landscpe & Lightng Dist Z-2	762.00
	01211	Capital Outlay/General Fund	369,321.09
	01212	Parks & Rec Capital	910.00
	01250	Dial-a-Ride/Transportation	141,619.05
	01410	Expendable Trust	10,744.57
Sum			1,710,676.65
	00183	Water PCE-TCE	84.00
Sum			84.00
Total for Week			
Sum			1,710,760.65

Council Report for Payroll

Page -

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Date -

02/04/04

Payroll	Pay Per Date	Co	Name	Gross Pay
-				
Regular	01/18/04	00100	General Fund	875,408.30
		00160	Electric Utility Fund	163,017.18
		00161	Utility Outlay Reserve Fund	4,139.20
		00164	Public Benefits Fund	4,684.80
		00170	Waste Water Utility Fund	64,549.49
		00180	Water Utility Fund	7,419.85
		00210	Library Fund	31,077.86
		00235	LPD-Public Safety Prog AB 1913	1,781.60
		01250	Dial-a-Ride/Transportation	2,741.89
Pay Period Total:				
Sum				1,154,820.17
Retiree	02/29/04	00100	General Fund	30,175.23
		00210	Library Fund	980.76
Pay Period Total:				
Sum				31,155.99



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Approve Minutes
a) January 20, 2004 (Shirtsleeve Session)
b) January 21, 2004 (Regular Meeting)
c) January 27, 2004 (Shirtsleeve Session)
d) February 3, 2004 (Shirtsleeve Session)

MEETING DATE: February 18, 2004

PREPARED BY: City Clerk

RECOMMENDED ACTION: That the City Council approve the following minutes as prepared:

- a) January 20, 2004 (Shirtsleeve Session)
- b) January 21, 2004 (Regular Meeting)
- c) January 27, 2004 (Shirtsleeve Session)
- d) February 3, 2004 (Shirtsleeve Session)

BACKGROUND INFORMATION: Attached are copies of the subject minutes, marked Exhibit A through D.

FUNDING: None required.

Susan J. Blackston
City Clerk

SJB/JMP

Attachments

APPROVED: _____
H. Dixon Flynn, City Manager

**CITY OF LODI
INFORMAL INFORMATIONAL MEETING
"SHIRTSLEEVE" SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, JANUARY 20, 2004**

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, January 20, 2004, commencing at 7:00 a.m.

A. ROLL CALL

Present: Council Members – Beckman, Hitchcock, Howard, Land, and Mayor Hansen

Absent: Council Members – None

Also Present: City Manager Flynn and City Clerk Blackston

B. CITY COUNCIL CALENDAR UPDATE

City Clerk Blackston reviewed the weekly calendar (filed).

C. TOPIC(S)

C-1 "Sidewalk Policies"

Public Works Director Prima explained that the City's sidewalk policy is intended to clarify responsibilities for repair and replacement of sidewalks, which are shared between the City and property owners. Staff recommends updating the policy to include these issues:

Orders to Repair

Recent practice has been to order repairs to be made by a property owner when a liability claim is filed with the City, regardless of the criteria. Mr. Prima explained that when a claim is filed against the City and there is a verified offset in the sidewalk, staff will make a determination as to whether it is the City's responsibility or the property owner's. If it is the property owner's responsibility, a notice is mailed informing them that a lien may be placed on the property if a repair notice is disregarded.

Repeat Temporary Patches

Mr. Prima explained that depending on the nature of the problem, the length of time that sidewalk patches last can vary significantly. He suggested an amendment to the policy specifying that when patches last only a short time, a replacement should be done.

Driveway Repairs

It is proposed to clarify in the policy that driveways are the property owner's responsibility, as they benefit the property owner and not the traveling public. Mr. Prima reported that there are approximately 300 "bridge driveways" in the City, i.e. in older sections a pipe was placed in the gutter with concrete poured over the top. Staff would like to amend the policy specifying that bridge driveways cannot be installed or replaced. If drainage complaints are received, property owners will be required to install a proper driveway.

Repairs as Part of Development Projects

Existing practices include requiring repairs of sidewalks as part of development projects. Developers are required to reconstruct damaged curb, gutter, and sidewalk along a project's frontage.

New Sidewalks

In 1999, Council directed staff to begin a program of installing sidewalk in locations where it was missing; mainly "gaps" at individual lots. Mr. Prima stated that he did not believe it was the City's intent to put in new sidewalks wherever there were gaps. Clarification in the policy is also needed regarding circumstances in which the City would require installation of sidewalk as a condition of obtaining a building permit. Staff suggests that where the property owner has the obligation to install sidewalk at an existing residence, the cost be split 50/50 with the City.

Council Member Howard recalled recent issues surrounding Kristmont Acres, in which many property owners were opposed to putting in sidewalks. She suggested that exemption language be added for that particular area.

Mr. Prima preferred that Council make a determination on a case by case basis so that there can be some flexibility and it does not bind the City into putting in sidewalks and/or streetlights in these instances.

In reply to Council Member Hitchcock, Mr. Prima pointed out that he addressed the matter of funding through Measure K sales tax under section C of the proposed new sidewalk installation policy.

Council Member Hitchcock reminded Mr. Prima that there were two property owners on Park Street that wished to have sidewalks installed using Measure K funding.

In answer to Mayor Hansen, Mr. Prima reported that when the last survey was conducted in 2000, it showed that there were over 3,000 areas where there were defects in the sidewalk of more than three quarters of an inch. He estimated that it would cost \$2 million to repair all the sidewalks in the City and noted that, due to street trees, it is an ongoing problem. Sidewalk surveys are conducted every five years and the worst areas are repaired first. The City spends over \$250,000 annually on sidewalks.

D. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

E. ADJOURNMENT

No action was taken by the City Council. The meeting was adjourned at 7:38 a.m.

ATTEST:

Susan J. Blackston
City Clerk

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JANUARY 21, 2004**

C-1 CALL TO ORDER / ROLL CALL

The City Council Closed Session meeting of January 21, 2004, was called to order by Mayor Hansen at 5:48 p.m.

Present: Council Members – Beckman, Hitchcock, Howard, Land, and Mayor Hansen

Absent: Council Members – None

Also Present: City Manager Flynn, Deputy City Attorney Schwabauer, and City Clerk Blackston

C-2 ANNOUNCEMENT OF CLOSED SESSION

a) Actual Litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM

b) Pending Litigation – Eminent Domain acquisition of 15 West Elm Street, Lodi, CA; the negotiating parties are City of Lodi and Frank Hall, Owner; Government Code §54956.8

C-3 ADJOURN TO CLOSED SESSION

At 5:48 p.m., Mayor Hansen adjourned the meeting to a Closed Session to discuss the above matters.

The Closed Session adjourned at 7:12 p.m.

C-4 RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 7:18 p.m., Mayor Hansen reconvened the City Council meeting, and Deputy City Attorney Schwabauer disclosed the following actions:

In regard to Item C-2 (a), Council was updated on the current status of the litigation. No reportable action was taken.

In regard to Item C-2 (b), staff requested and was granted settlement authority.

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of January 21, 2004, was called to order by Mayor Hansen at 7:18 p.m.

Present: Council Members – Beckman, Hitchcock, Howard, Land, and Mayor Hansen

Absent: Council Members – None

Also Present: City Manager Flynn, Deputy City Attorney Schwabauer, and City Clerk Blackston

B. INVOCATION

The invocation was given by Reverend Michael Voytek, Providence Reformed Church.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Hansen.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 Awards – None

D-2 Proclamations – None

D-3 (a) Mary Goad and Courtney Cook, members of the Greater Lodi Area Youth Commission, recognized the Teen of the Month, Seamus Gormly from Tokay High School, and provided an update on the Commission's accomplishments.

E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Mayor Pro Tempore Beckman, Howard second, unanimously approved the following items hereinafter set forth:

- E-1 Claims were approved in the amount of \$3,710,451.30.
 - E-2 The minutes of December 16, 2003 (Shirtsleeve Session), January 6, 2004 (Shirtsleeve Session), January 6, 2004 (Special Meeting), January 13, 2004 (Shirtsleeve Session), January 13, 2004 (Special Meeting, 7:00 a.m.), January 13, 2004 (Special Meeting, 5:30 p.m.), and January 13, 2004 (Adjourned Special Meeting, 5:30 p.m.) were approved as written.
 - E-3 Set public hearing for February 18, 2004, to consider Reimbursement Agreement RA-03-04 establishing an area of benefit and reimbursable costs for developer-funded public improvements for the Harney Lane sanitary sewer lift station and sanitary sewer trunk line.
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F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Mark Olkowski reported that he was formerly employee 3911 of the Electric Utility Department. After seven years in the position of lineman with the Utility, on November 1, 2002, he was forced to retire. His career as a lineman spanned 33 years. Mr. Olkowski alleged that the following incidences occurred and requested that Council investigate them:
 - Contaminated dirt was brought into the City to fill up ditches, pole holes, etc;
 - There is a disregard for City and OSHA rules at the Utility;
 - Money has been wasted on equipment that has not been used for many years;
 - Employees who were habitually late have been promoted;
 - The City Manager informed him that though his zeal for safety was greatly appreciated, it might be better appreciated elsewhere;
 - A Utility supervisor told Mr. Olkowski to flunk a black lineman, which he indicated was based on race, not competency; and
 - Employees without proper training or experience have destroyed equipment and public property when working on backhoes; Mr. Olkowski brought this up repeatedly at safety meetings; however, it was never recorded in the minutes.

G. PUBLIC HEARINGS

- G-1 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Hansen called for the public hearing to consider resolution authorizing the reallocation of \$50,000 of unobligated Community Development Block Grant funds to the Salvation Army.

Community Development Director Bartlam recommended that Council approve the reallocation of unobligated Community Development Block Grant (CDBG) funds for the Salvation Army's Hope Harbor project at 622 N. Sacramento Street. He recalled that a couple of years ago an obligation was made by the City to fund \$250,000 toward the project, payable at \$50,000 a year over a five-year period. In October 2003, the Housing and Urban Development Department, through an initiative by President Bush, revised a long-standing rule, which previously prohibited Block Grant funds being used for faith-based organizations. Due to this revision, the City can now consider CDBG funds for the shelter project. Unobligated CDBG funds are available from the completed Lodi Lake Trail project.

Hearing Opened to the Public

None.

Public Portion of Hearing Closed

MOTION / VOTE:

The City Council, on motion of Council Member Land, Howard second, unanimously adopted Resolution No. 2004-14 authorizing the reallocation of \$50,000 of unobligated CDBG funds from a completed project to the Salvation Army.

- G-2 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Hansen called for the public hearing to consider resolution adopting Engineer's Report, confirming the assessments, overruling protests and declaring assessment ballot results and annexing territory to a maintenance assessment district and forming zone 2 (Century Meadows One Zone 2 Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1).

Wally Sandelin, City Engineer, reported that the developer of the Century Meadows One, Units Two and Three Subdivision, Tract Nos. 2786 and 3289, has asked the City to form Zone 2 of the Consolidated Landscape Maintenance Assessment District. The district will fund the maintenance of reverse frontage wall and landscape improvements, interior street tree maintenance, as well as a prorated share of public park improvements.

Hearing Opened to the Public

None.

Public Portion of Hearing Closed

City Clerk Blackston reported that she had received the assessment ballot cast in the special assessment mailed ballot procedure as called by Council in its Resolution 2003-227 adopted on December 3. In accordance with the instructions contained in that resolution, she declared the balloting closed and certified the results of the tabulation to be as follows:

Total assessment ballots cast YES	\$40,565
Total assessment ballots cast NO	Zero

Ms. Blackston explained that the assessment ballots are weighted according to the proportional financial obligation the affected property has to the total assessment amount, which means one vote for each one dollar of assessment. The assessment ballots cast "yes" equal 100% of the total assessment ballots cast.

MOTION / VOTE:

The City Council, on motion of Mayor Hansen, Beckman second, unanimously adopted Resolution No. 2004-15 adopting Engineer's Report, confirming the assessments, overruling protests and declaring assessment ballot results and annexing territory to a maintenance assessment district and forming zone 2 (Century Meadows One Zone 2 Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1).

H. COMMUNICATIONS

H-1 Claims filed against the City of Lodi – None

H-2 Reports: Boards/Commissions/Task Forces/Committees – None

H-3 The following postings/appointments were made:

- a) The City Council, on motion of Council Member Land, Beckman second, unanimously directed the City Clerk to post for the following vacancies:

Lodi Arts Commission

Sherri Smith Term to expire July 1, 2006

Parks and Recreation Commission

Victor Schuh Term to expire December 31, 2004

H-4 Miscellaneous

- a) City Clerk Blackston presented the cumulative Monthly Protocol Account Report through December 31, 2003.

I. REGULAR CALENDAR

I-1 "Adopt resolution approving the use of Lodi Lake by BoardStock Promotions, Inc."

Parks and Recreation Director Goehring reported that the date for the proposed BoardStock event has been changed to October 9 and 10. Rob Stimmel, BoardStock President, has described the event as a one of a kind hybrid "X Games," which features wakeboarders, freestyle MotoX riders, skydivers, and live music. BoardStock began in 1996 at Lake Shasta and in 2000 it moved to the deep-water channel in Stockton. Mr. Goehring pointed out that the event would generate rental revenue and give Lodi worldwide media exposure. The Recreation Commission unanimously approved the proposal on December 2. On December 18, a meeting was held with Mr. Stimmel and various agencies in the community, and City staff to address questions and concerns related to the proposed event. Mr. Goehring mentioned that he would be 60 years old in four months and recalled his experiences at Lodi Lake during his youth. He noted that hydro race boats were at the lake every 4th of July, there were water skiing exhibitions at various times, and a ski jumping platform was in the middle of the lake. Since that time the Lake has become a more passive venue; however, he recommended a return of more active recreational events. To address concerns by the Friends of Lodi Lake group, Mr. Goehring reported that the nature area would be locked and inaccessible to the public during the time of the BoardStock event. In addition, logs would be placed at the mouth of the Lake so there could be no entry from the river into the Lake.

In answer to Council Member Hitchcock, Mr. Goehring stated that the city of Stockton had not reported any problems about the BoardStock event.

Steve Whyte of Whyte House Productions spoke on behalf of the owners of BoardStock who could not be present due to business commitments. Mr. Whyte noted that he has been involved in special events in Lodi for many years. His company has helped to produce the Oooh Aaah 4th of July event for the past 12 years, the Kids' Night Out event on New Years Eve for the past 5 years, and he donates services to the Chamber of Commerce to assist it with the Street Faire twice a year. The owners of BoardStock have hired Whyte House Productions to assist them with event operations, local and regional sponsorship sales, advertising, and promotions. BoardStock is televised worldwide. Promoters will be paying for police services, rental of the lake, site preparation, and private security. BoardStock has insurance that exceeds requirements. Mr. Whyte stated that there were no problems with the event in Stockton. Stockton estimated that there was at least \$250,000 in economic impact related to the event. The owners of BoardStock are looking for another venue because of redevelopment that is taking place in the downtown Stockton area.

In answer to Council Members' inquiries, Mr. Whyte reported that there would be six to eight food vendors, boat manufacturers, motocross bike dealers, Nor Cal Beverage, and Anheuser Busch. Mr. Whyte reiterated that no problems have been experienced at previous events. The event will be held from 11:00 a.m. to 6:00 p.m. There will be two showings per event. He stated that the motorboats are very quiet and there are no more than two boats in the water at any time. At last year's Stockton event, there were eight uniformed police officers on site. Over the two-day period, 2,700 attendees are expected.

Police Lieutenant Somera reported that the Stockton Police Department confirmed that it had not experienced any problems with the BoardStock event. He stated that a Sheriff's boat with one Lodi Police Officer would patrol the area in addition to other Police Officers at the event. Police would control all the beverages entering the park.

In response to City Manager Flynn, Mr. Whyte stated that set up and take down would require two days prior and two days after the event; however, the park would not need to be closed during this time.

PUBLIC COMMENTS:

- Levi Goehring stated that he has lived in Lodi for 35 years. He was opposed to the BoardStock event because of the negative impact to the environment and the type of people it might draw.
- Michael Fluetsch stated that his home backs up to the nature trail at Lodi Lake. He pointed out that Lodi Lake and the nature trail are located in the middle of a residential neighborhood and events scheduled at that venue directly affect all of the families living nearby. He was strongly opposed to the BoardStock event or any other use of the Lake that creates loud noise and spoils the serene nature setting. He suspected that the revenue figures projected were over inflated and would profit outside companies, rather than the Lodi community.
- Richard Thornton was opposed to the BoardStock event and loud motorboats on the lake at any time.
- Bob Padden, member of the Friends of Lodi Lake and docent at the nature area, expressed concern about parking. He feared that this would set a precedence for more events of this type at the lake, which he opposed.
- Ron Gritsch recalled that when a boating-related tragedy occurred in the river, rules were set in place, which prohibited boat towing. He believed the exhibitions that would be occurring at BoardStock are in contradiction to the regulations. He reported that his nephew attended the event in Stockton last year and had his vehicle flipped over. It attracted a "party like" atmosphere with mainly 18 to 25 year olds. He expressed concern about what would happen in the evening after the event concluded and speculated that many would go downtown to drink. He did not believe that Lodi Lake was a good fit for the event.
- Nancy Beckman, Executive Director of the Lodi Conference and Visitor Bureau, expressed support for the event. She believed it would be a tourist attraction that would infuse hundreds of thousands of dollars into the Lodi community in just one weekend. She pointed out that some of the money would go into the City's general fund to help support City services, parks, etc.
- Pat Patrick, Chamber of Commerce President, stated that he attended the meeting on December 18, and since that time, has supported the BoardStock event being held at Lodi Lake. He expressed confidence in the Parks and Recreation Department to preserve the integrity of the Lake and in the Police Department to keep it safe. He reported that a survey of the annual Crane Festival attendees showed that 76% came from outside San Joaquin County, 50% ate in Lodi restaurants, 15% stayed in a Lodi hotel or motel, 11% went shopping after the event, and 20% purchased gasoline in the City.

- Winifred Mitchell reported that while at Lodi Lake this afternoon she was approached by Channel 40 News and she and several others were asked if they were aware of the BoardStock topic being on the City Council agenda. They played a video from the 2000 Stockton event, which showed hard liquor being mixed and served, girls in thong bikinis, and provocative dancing. Ms. Mitchell was opposed to the event and stated that it would not be appropriate for families.
- Donna Phillips stated that she has lived adjacent to Lodi Lake for 21 years. She read the mission statement of Friends of Lodi Lake, "To enhance and preserve the natural beauty and tranquility of Lodi Lake for present and future generations." She recalled that there have been three studies of Lodi Lake done and all three recommended that motorization be removed from the park as well as great amounts of blacktop. Ms. Phillips showed various maps of the park on an overhead projector. She stated that there is no approved plan for the park and recommended that its use be defined. She reported that last year when there were boat races at the park a stabbing took place in front of her home and someone was shot on the Westside. She noted that the wind in Lodi predominantly blows west to east, so whatever happens at the Lake impacts the neighborhood. She encouraged Council to vote against the proposal.
- Cara Gritsch believed that BoardStock should be given a chance, as it is only a two-day event, and if it turns out to be troublesome they will not be invited back next year.
- Glenda Wall stated that before a person moves into a neighborhood it is incumbent upon them to look at what is around them and consider how they might be impacted by it. Ms. Wall stated that she has attended BoardStock, as well as her 18 year old son, who described it as boring because there was nothing to do in between events. She supported the event and urged Council to approve the proposal.

In answer to Mayor Hansen, Mr. Goehring stated that parking would take place on the 13 acres west of the lake.

Mayor Hansen agreed with Ms. Phillips that the City should get community input and establish parameters for Lodi Lake Park. He suggested that this topic be added to the public survey that is currently being created.

Council Member Hitchcock suggested that Council go outside to the news van and view the digital recording of BoardStock.

Mayor Pro Tempore Beckman objected to the idea of Council obtaining information that was not part of the open public discourse.

Deputy City Attorney Schwabauer expressed concern with Council Members, in effect, changing the venue of the meeting by going outside to receive additional information, which would be used to make a decision on a topic now under consideration.

Council Member Howard was also opposed to the suggestion of Council leaving the meeting location as posted. Such an action would set a precedence for someone at any time during a meeting to ask Council to go outside to receive additional information. The time and place for Council to receive information is set and should not be altered.

RECESS

At 9:20 p.m., Mayor Hansen called for a recess, and the City Council meeting reconvened at 9:30 p.m.

I. REGULAR CALENDAR (Continued)

- I-1 Mayor Hansen noted that Council has received two "blue sheet" communications (both filed), one from Robert Raingruber in opposition to BoardStock and one from Russ Richenberg in support of the event.

In response to Mayor Pro Tempore Beckman, Mr. Whyte stated that the promoters of the event take the concerns and opinions of affected agencies very seriously. From past experience he believed that the athletes were of good character. He pledged that the same care and professionalism in producing the event would take place at Lodi Lake, as it had in the past.

Mayor Pro Tempore Beckman stated that he was born in Lodi as was his father, grandfather, and great grandfather. The Beckman family first came to Lodi in 1850. He has watched many acres of vineyards in this community removed to make room for residential development. He had often thought that if Lodi was its own country, its citizens would probably want to build a wall around it to keep it from changing. He pointed out that people can, and will, keep coming into the community because of immigration and other reasons. It appears that Lodi is trying to decide whether it is a small town or a twenty first century city. The City has a two percent growth ordinance. The community has expressed a desire for projects such as DeBenedetti Park (\$10 million), an aquatics center (\$7 million), an indoor sports center (\$10 million), and a greenbelt area, which will be a significant expense either through purchase of development rights or land. Sales tax would be one revenue source; however, community members have expressed opposition to "big box" stores. Tourism is a way to both increase revenue and remain a small community, because it attracts people in to spend their money and depart afterwards. He noted that it is often only a relatively small number of surrounding residents that express their opinions. Before decisions are made that affect the entire community, it is important to know what the majority of citizens desire. He suggested that proponents for not having events at parks or those that wish to limit the size of retail stores start a petition drive and find out many others feel the same way. He stated that if each group were able to gather 2,000 signatures he would support the issues as well. In the meantime, unless he hears from a significant number of people in opposition, he would not vote to prohibit them. He recommended that BoardStock be given a chance.

Council Member Hitchcock disclosed that during the break she went outside to view the BoardStock video in the news van and did not see anything that concerned her. She believed that Lodi Lake had become a more passive park over the years because of general community input and from groups such as the Friends of Lodi Lake. Ms. Hitchcock expressed her opinion that the lake is a natural resource and asset that should be protected for future generations. Each facility in the City is unique and should have activities that are compatible with it. She believed that BoardStock would benefit outside promoters more than the Lodi community itself.

Council Member Howard preferred that Lodi Lake remain a passive venue.

Mayor Hansen expressed concern regarding concepts or decisions that are exclusionary. He felt that the BoardStock event would be similar to what occurs at the Lake every 4th of July and was confident that it would be well run and supervised. He too wished to know, from a community perspective, what type of use people would like to see at the Lake and suggested that this be added to the public survey that is currently being created and perhaps also as a specific topic Council should address.

MOTION #1 / VOTE:

Mayor Hansen made a motion, Beckman second, to adopt a resolution approving the use of Lodi Lake by BoardStock Promotions, Inc., for its first annual event to be held October 9 to 10, 2004.

DISCUSSION:

Council Member Land was in favor of all the activities of BoardStock with the exception of the freestyle MotoX riders, which he felt was too extreme for the venue.

VOTE:

The above motion **failed** by the following vote:

Ayes: Council Members – Beckman and Mayor Hansen

Noes: Council Members – Hitchcock, Howard, and Land

Absent: Council Members – None

MOTION #2 / VOTE:

The City Council, on motion of Council Member Land, Beckman second, adopted Resolution No. 2004-16 approving the use of Lodi Lake by BoardStock Promotions, Inc., for its first annual event to be held October 9 to 10, 2004, excluding the freestyle MotoX riders. The motion carried by the following vote:

Ayes: Council Members – Beckman, Land, and Mayor Hansen

Noes: Council Members – Hitchcock and Howard

Absent: Council Members – None

NOTE: The remaining items were discussed and acted upon out of order.

- I-3 “Discussion and possible action regarding the positions of Interim City Attorney and City Attorney and the retention of special counsel to advise and assist the City Attorney’s Office as assigned”

Mayor Hansen offered three options for Council to consider: 1) the Deputy City Attorney can serve in the capacity of Interim City Attorney, 2) an attorney from the firm of Kronick Moskovitz Tiedemann & Girard (KMTG) could serve as Interim City Attorney, or 3) the Deputy City Attorney can serve as Interim City Attorney with assistance provided by KMTG. He recommended option three.

City Manager Flynn recommended that, if Deputy City Attorney Schwabauer is appointed to serve in the capacity of Interim City Attorney, his salary should be increased to Step A of the City Attorney salary range, or given a 10% increase over his current salary.

MOTION #1 / VOTE:

The City Council, on motion of Mayor Pro Tempore Beckman, Land second, unanimously 1) appointed Deputy City Attorney Stephen Schwabauer as Interim City Attorney until such time as a City Attorney is hired and that his salary be increased to Step A of the City Attorney’s salary range; and 2) authorized that a contract be entered into between the City of Lodi and the law firm of Kronick Moskovitz Tiedemann & Girard to serve in the capacity of Deputy City Attorney to the Interim City Attorney until such time as the City selects special counsel to resume the Environmental Abatement Program litigation.

Mayor Hansen reported that he had been informed by Human Resources Director Narloch that a headhunter firm would charge \$10,000 to \$25,000 to recruit a city attorney. Ms. Narloch believed that there would be a large pool of candidates to draw from through the standard recruiting practices. Mayor Hansen suggested that, because of the importance of the position, Council should have a lot of input in the process. He offered that two Council Members review the applications, and the testing process take place before a panel of members of the community and Council.

Council Member Hitchcock cautioned Council not to get too involved in the selection so that a political process is avoided. She believed that the Human Resources Department was qualified to do the initial paper screening and pick out the best applicants. Following that, Council should have the opportunity to see all the applications and those that Human

Resources selected. The testing process should involve city attorneys from other cities. Council could then interview a group of 10 to 12 candidates who placed highest.

City Manager Flynn suggested having city attorneys from other cities do the initial screening to choose 20 or 25 who are best qualified. From that group an assessment panel consisting of community members and department heads could narrow the candidates down to 10 or 12 for Council to interview individually.

Human Resources Director Narloch suggested that the process be evaluated as the recruitment progresses. Screening methods should be determined once the total number of candidates is known.

Mayor Hansen preferred that, no matter what the number of candidates is, a panel consisting of community members, city attorneys, and department heads be used in the screening process.

Council Member Hitchcock suggested that the recruitment period be 45 to 60 days and advertisements for the position be published in the League of California Cities *Western Cities* magazine and other publications specific to city attorneys.

Interim City Attorney Schwabauer stated that, with Council's permission, he would post the opening on the city attorneys' listserve, which can deliver an e-mail message to virtually every city attorney in California.

MOTION #2 / VOTE:

The City Council, on motion of Mayor Hansen, Hitchcock second, unanimously authorized the City Manager to: 1) advertise for the position of City Attorney, 2) develop a recruitment/testing process to be brought back to Council for final approval, and 3) begin the recruitment immediately and for a period of 45 to 60 days.

Mayor Hansen recalled that he and Council Member Hitchcock had previously begun interviewing attorneys for the purpose of selecting a firm to get a second opinion on the Environmental Abatement Program, and subsequently changed direction to retain a legal firm to audit the billings of Envision Law Group. Now Council needs to refocus back to the original task and retain legal representation to carry the City through the upcoming litigation, mediation, etc. Mayor Hansen suggested that he and Council Member Hitchcock pursue the matter and that a Request for Proposal (RFP) process be conducted.

Council Member Howard recommended that Council authorize the City Manager to post for the hiring need for a 30-day period and then have the Interim City Attorney, City Manager, Deputy City Manager, and others familiar with the subject, such as retired Water/Wastewater Superintendent Fran Forkas, participate in an interview process for the initial screening. Following that, Council could interview eight of the most qualified firms.

Mayor Pro Tempore Beckman supported the notion of Mayor Hansen and Council Member Hitchcock conducting the initial screening. Mr. Beckman commented that he would like to be notified as the process evolves, however, and informed how many proposals are received, etc.

Council Member Hitchcock believed that Council needed to be involved in the process and she was uncomfortable with the suggestion of turning it over to, or upon, staff.

PUBLIC COMMENTS:

- In response to Mayor Hansen, Dan O'Hanlon of KMTG stated that there were not a lot of firms that would be well suited to handle Lodi's Environmental Abatement Program litigation. He stated that the City needed someone with expertise in environmental law,

insurance coverage litigation, and experience representing public agencies. He advised Council to consider whether it would be wiser to have a single firm do both the environmental cleanup litigation and the coverage side, or divide this between two firms who are experts in each field.

Council Member Land was in agreement with Mayor Hansen and Council Member Hitchcock conducting the initial screening process. He expressed concern with timing and key dates that need to be addressed, specifically on February 12. He read from the January 12, 2004, court transcript in which Judge Damrell stated, *"In that light, when you move to vacate the trial, I'm going to suggest that you consider vacating your litigation strategy... if the City stipulates that it will not offer evidence of this 107 (b) defense, obviously, the Court can enter an appropriate order and the trial will be vacated. If that were to happen, I foresee a prompt resolution of this entire litigation. There's no reason why the State cannot proceed as lead agency. I know it's engaged in that role to a certain extent right now and I don't know the extent it would change if Lodi were no longer seeking to impose joint and severable liability, but I assume the State would take complete control over this matter, which I think it should."*

Council Member Land reported that there were 15 businesses, identified through Henshaw Services with the concurrence of the State Department of Toxic Substance Control (DTSC), that have polluted not only the ground, but the water in Lodi. Henshaw Services has reported that the area of pollution ranges north to Turner Road, down the Southern Pacific Railroad, east to Cherokee Lane, west to Sunset Drive, and just before Century Boulevard to the south. Mr. Land stated that he did not think the City of Lodi or Council could do a job like DTSC could. He recalled that the reason the City took over the litigation was because businesses came to the Council begging for relief from DTSC. These same businesses accepted and endorsed the City's subsequent litigation strategy. There were signatures from businesses that accepted this responsibility, and since then, a majority of those businesses have turned against the City. The City also received an endorsement on its legal strategy at the Annual Conference of Mayors held in San Francisco on June 20-24, 1997. He asked that research be done to locate a copy of the endorsement.

Council Member Land explained that there were three sources of funding: 1) from citizens of Lodi through the City's Water Fund; 2) \$15.7 million loaned from Lehman Brothers; and 3) Envision Law Firm. He reported that the City has spent \$6.3 million to date from the Water Fund, of which \$1 million was received back from insurance companies. One million dollars was paid to the State of California so that the City could take over as the lead agency. The Lehman Brothers loan was to help litigate the Municipal Environmental Response and Liability Ordinance. The first claim was filed against the City's own insurance carrier (USF&G) on October 14, 1997. It took almost six years and a court order for USF&G to agree to pay for defense costs. The current trial that the City is proceeding in is a defense trial. All the costs for the litigation were being paid by the City's insurance. Envision Law Group had billed the City for accrued charges; however, the City had not been paying them. The only way that Envision Law Group would collect on the accrued bills was if they were successful in the litigation, after which insurance companies would pay for them. The same situation existed for the repayment of the Lehman Brothers loan, i.e. they would have been paid only if the City prevailed in the litigation. Mr. Land asked where the money will come from for the new legal team the City is attempting to retain.

Mayor Hansen replied that USF&G would be paying for the defense costs. He mentioned that a meeting would be taking place with them on Friday, and if they brought up any issue about it, he would report back to Council. The matter of whether or not the City is going to vacate its legal strategy will be addressed in an upcoming status report that the Judge has requested. KMTG will be assisting the City with meeting near-term deadlines. He did not believe that the City was ready at this point to abandon the original decision/strategy of trying to protect the businesses, or that of going after the pool of money that has been

identified from insurance companies on the indemnity side to pay for the cost of cleanup. He acknowledged that the situation with Lehman Brothers is uncertain.

Council Member Land stated that it had been explained to him that, under the strategy, if the City prevailed then the business owners' insurance companies would be held liable for the damages. Henshaw Services told him that the clean up could cost anywhere from \$150 million to \$200 million.

Mayor Hansen reported that today he was told by Henshaw Services representatives that the clean up would cost between \$29 million to \$117 million.

Council Member Land recalled that never during his seven years on the Council did anyone ever estimate the cleanup at \$29 million. It was his understanding that if the City was not successful in the litigation then the City's own insurance companies would pay for the damages. He recalled that the City prevailed in every court until approximately one year ago. He believed that the past Council made a wise decision in the legal strategy it pursued, however, perhaps not in the selection of the attorney it hired, who Mr. Land pointed out had already been introduced to Council prior to his first term as a Council Member in 1996.

Interim City Attorney Schwabauer reported that on February 6 the City must decide in a status report to Judge Damrell what its preparedness is to go to trial on the 107 (b) defense, or whether to waive it.

Council Member Hitchcock explained that DTSC or the State Water Resources Board can only issue administrative actions; the City has to do the enforcement action. She believed that Council had been misinformed and lied to at times by its legal representation throughout the past years of litigation. She felt that the City should change its strategy because it has not brought any money toward cleanup of the pollution. The City does need to hire a highly qualified legal firm, however, because the City is responsible for the enforcement action that would go along with the administrative action by the State. She believed that the City's direction should be to look toward how it can get out of this situation by assuming whatever responsibility its part is, settling, and getting the cleanup accomplished.

Mayor Pro Tempore Beckman expressed support for the RFP process and suggested that perhaps two firms be retained, one expert in the insurance coverage issue and one in environmental law. He believed that the current strategy still has merit and was not ready to abandon it. He noted that his major concern has always been the cost related to it.

MOTION #3 / VOTE:

The City Council, on motion of Council Member Land, Beckman second, unanimously authorized Mayor Hansen and Council Member Hitchcock to develop a Request for Proposals for special counsel to represent the City of Lodi in its Environmental Abatement Program litigation and to interview applicants as appropriate; and that each Council Member will be allowed to make a recommendation of a legal firm for consideration.

VOTE TO CONTINUE WITH THE REMAINDER OF THE MEETING

The City Council, on motion of Council Member Land, Beckman second, unanimously voted to continue with the remainder of the meeting following the 11:00 p.m. hour.

I. REGULAR CALENDAR (Continued)

- I-5 "Adopt resolution authorizing the City Manager to provide a Public Benefits Program grant to fund Lodi's 2nd annual *Get Green Weekend* event (not to exceed \$25,000)"

Electric Utility Director Vallow announced that the second annual Get Green Weekend would be held on March 13 from 7:00 a.m. to noon in the parking lot of Temple Baptist Church to promote several products designed to improve air quality and save water. He requested approval of the project as a qualifying component of the Public Benefits Program in the categories of Research, Development & Demonstration Services, and Renewable Energy Resource & Technologies.

MOTION / VOTE:

The City Council, on motion of Mayor Hansen, Beckman second, unanimously adopted Resolution No. 2004-17 authorizing the City Manager to provide a Public Benefits Program grant to fund Lodi's 2^d annual *Get Green Weekend* event in an amount not to exceed \$25,000.

RECESS

At 11:20 p.m., Mayor Hansen called for a recess, and the City Council meeting reconvened at 11:30 p.m.

I. REGULAR CALENDAR (Continued)

- I-2 "Update from Mayor Larry Hansen regarding audit (agreed-upon procedures) of Envision Law Group's billings"

Mayor Hansen reported that the audit by Barger & Wolen of Envision Law Group's billings is progressing. They have spot checked an 8-month and 15-month period and given some preliminary information about discrepancies. They have reviewed the Lehman Brothers agreement to assist the City in preparation of the status report that is due on February 6. Barger & Wolen will prepare a final report that will identify issues that the Council will then need to make decisions on in terms of how to pursue it and whether or not to go into arbitration.

Interim City Attorney Schwabauer interjected that just because a contract from an attorney says that disputes must be resolved by arbitration, does not necessarily mean that it is the only recourse.

MOTION / VOTE:

There was no Council action necessary on this item.

- I-4 "Discussion and action regarding Phase II budget adjustment options"

MOTION / VOTE:

The City Council, on motion of Council Member Land, Beckman second, unanimously moved this item to the meeting of February 4, 2004.

J. ORDINANCES

- J-1 Following reading of the title of Ordinance 1741 entitled, "An Ordinance of the City Council of the City of Lodi Repealing and Reenacting Lodi Municipal Code Sections 12.06.070 'Exclusions from Benefit Fees,' 12.06.090 'Collection of Benefit Fee,' and 3.01.460 'Enforcement' Relating to Exclusions, Collection, and Enforcement of Various Fees," having been introduced at a regular meeting of the Lodi City Council held January 7, 2004, the City Council, on motion of Council Member Hitchcock, Beckman second, waived reading of the ordinance in full and adopted and ordered it to print by the following vote:

Ayes: Council Members – Beckman, Hitchcock, Howard, Land, and Mayor Hansen
Noes: Council Members – None
Absent: Council Members – None
Abstain: Council Members – None

J-2 Following reading of the title of Ordinance No. 1742 entitled, "An Ordinance of the City Council of the City of Lodi Amending Title 9 – Public Peace, Morals and Welfare, Chapter 9.08 'Offenses Against Property' by Repealing and Reenacting Section 9.08.150 of the Lodi Municipal Code Relating To Vehicles," having been introduced at a regular meeting of the Lodi City Council held January 7, 2004, the City Council, on motion of Mayor Pro Tempore Beckman, Hitchcock second, waived reading of the ordinance in full and adopted and ordered it to print by the following vote:

Ayes: Council Members – Beckman, Hitchcock, Howard, Land, and Mayor Hansen
Noes: Council Members – None
Absent: Council Members – None
Abstain: Council Members – None

K. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Council Member Hitchcock thanked Mayor Hansen for all the work he had done over the past few weeks and expressed her gratitude for the time he has devoted.
- Council Member Howard announced that she would not be seeking reelection this year, as she was expecting a baby this summer. Ms. Howard recalled that when she was a Council candidate she wanted to serve the community because she recognized so much good that is in Lodi and she continues to feel the same way. She expressed hope that whatever candidate ultimately fills her vacancy that they campaign with enthusiasm, appreciation, and a vision of all the positive things that this community projects.

L. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- City Manager Flynn announced that he attended the Martin Luther King Jr. Day Unity Celebration on January 19, at which Mayor Hansen and Council Member Hitchcock gave presentations. He noted that it was the first time the City of Lodi recognized the holiday by closing City Hall.

M. ADJOURNMENT

There being no further business to come before the City Council, Mayor Hansen adjourned the meeting at 11:46 p.m., in memory of Private First Class Jesse Mizener, 23 years old, who was killed in Iraq on January 7 during a mortar attack on Logistics Base Seitz, west of Baghdad; his grandmother is Peggy Mizener of Lodi.

ATTEST:

Susan J. Blackston
City Clerk

**CITY OF LODI
INFORMAL INFORMATIONAL MEETING
"SHIRTSLEEVE" SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, JANUARY 27, 2004**

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, January 27, 2004, commencing at 7:00 a.m.

A. ROLL CALL

Present: Council Members – Beckman, Hitchcock, Howard, Land, and Mayor Hansen

Absent: Council Members – None

Also Present: City Manager Flynn, Interim City Attorney Schwabauer, and City Clerk Blackston

ANNOUNCEMENTS

Mayor Hansen reported that the advertisement for the position of Lodi City Attorney would be forwarded to the League of California Cities *Western City* magazine today for publication. He recalled that on January 21, 2004, Council had voted to increase the salary of Interim City Attorney Schwabauer to step A of the City Attorney's salary range. It was subsequently brought to his attention that there is no specified range for the position. He suggested that Mr. Schwabauer's pay be increased 10%. No objections were expressed by Council.

B. CITY COUNCIL CALENDAR UPDATE

City Clerk Blackston reviewed the weekly calendar (filed).

C. TOPIC(S)

C-1 "Fire Department Paramedic Program, County Emergency Medical Services RFP, and partnership update"

With the aid of overheads (filed), Ty Mayfield, Emergency Medical Services (EMS) Coordinator, provided Council with statistical information related to emergency calls. He reported that the Fire Department would be organizing its resources for the worse case scenario on a day to day basis. On average, two to three calls are received per hour and one CPR is conducted approximately every ten days. Mr. Mayfield stated that he had prepared a written plan and budget for the Department's first response program, which was being reviewed by senior staff. A phased-in implementation is planned. He stated that currently there is no recognition of the economic value of the Fire Department first response. Staff is working to correct this through the county system redesign process, as well as establishing a formal relationship with a transport agency. Mr. Mayfield reported that commercial ambulance companies are competing for patients, which is evident by the ambulance maneuvering often seen along Kettleman Lane. The county has recently hired a consultant to develop Requests for Proposals (RFP) for ambulance service. Based on documents originated at the county EMS, it appears its intent is to have a single ambulance provider for the entire county, i.e. in the zones that are not already designated as exclusive. Mr. Mayfield stated that this was not in the best interest of Lodi. He stated that with regard to oversight and quality management, the dispatch center is not being utilized or supported to its full potential. The existing system is oriented toward finding and fixing individual mistakes, rather than examining production processes in aggregate to improve the entire system.

In answer to Council Member Hitchcock, Mr. Mayfield explained that the county designates geographic areas and assigns them individual units. The marker for identifying the areas is the intersection of Kettleman Lane and Stockton Street. The unit to the west will be closest to the activity center and therefore will get the most calls.

Fire Chief Pretz reported that in November 2003 the county EMS agency hired a consultant to redesign the EMS ambulance transport system. Within the next 12 to 18 months the county will be changing from non-exclusive zones to exclusive operating areas. There are five ambulance zones, in which Lodi is designated as zone four. The RFP process will culminate with the county EMS agency awarding a contract to a single provider for ambulance transport services. Chief Pretz stated that the Lodi Fire Department will be working in partnership with the Stockton Fire Department and American Medical Response (AMR) to provide a consortium/joint venture to bid on the entire process. AMR would be the transport agency. He stated that there needs to be recognition of, and revenue for, providing first responder level of service and there should be local control over the placement and number of ambulances. The county will also be asked to take into consideration the population densities for ambulance placement. Chief Pretz asked Council for a consensus to continue working on the draft joint venture agreement. He anticipated returning to Council at a regular meeting within two to three weeks with the final agreement. He commented that the Department is only "budget support away" from having the paramedic program in place. If funds became available, the Department could start hiring paramedics beginning in the next fiscal year and have paramedics on board engine companies by the end of the year.

NOTE: Council Member Land left at 7:46 a.m.

In reply to City Manager Flynn, Chief Pretz explained that Ripon, Escalon, Manteca, and Lathrop are already in exclusive operating zones and are not a part of the overall redesign of the system.

In answer to Council Member Howard, Chief Pretz believed that all concerns from the Lodi Professional Firefighters Association and other interest groups would be addressed in the joint venture agreement and corresponding operating agreement.

D. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

E. ADJOURNMENT

No action was taken by the City Council. The meeting was adjourned at 7:56 a.m.

ATTEST:

Susan J. Blackston
City Clerk

**CITY OF LODI
INFORMAL INFORMATIONAL MEETING
"SHIRTSLEEVE" SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, FEBRUARY 3, 2004**

The February 3, 2004, Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was canceled.

ATTEST:

Susan J. Blackston
City Clerk



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Awarding Contract for Security Services at the Lodi Station/Lodi Station Parking Structure to Securitas, of Stockton (\$113,710)

MEETING DATE: February 18, 2004

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That City Council adopt a resolution awarding the contract for security services for Lodi Station/Lodi Station Parking Structure to Securitas, of Stockton.

BACKGROUND INFORMATION: This contract consists of providing security services for the Lodi Station/Lodi Station Parking Structure. This contract allows for one guard at Lodi Station/Lodi Station Parking Structure 24 hours a day, seven days a week.

The existing contract for security services at Lodi Station and Lodi Station Parking Structure currently has four hours a day when security services are not provided. This new contract will consolidate the two locations, having one guard patrol both locations, 24 hours a day.

Interviews were conducted with all three applicants, along with the evaluation of the proposals. The City's interview team consisted of Tiffani Fink, Transportation Manager; Police Officer Doug Chinn; Tea Silvestre, Community Center Director; and Mark Zollo, Facilities Supervisor.

Securitas has a long tradition of providing security services. Securitas acquired Pinkerton Security and Burns International to create a consolidated security firm. They currently provide security services to several businesses in and around Lodi, including General Mills, Lodi Memorial Hospital, and Woodbridge Winery.

The Request for Proposals was approved by Council on October 15, 2003. A notice announcing the Request for Proposals was distributed to local providers (see attached). The City received the following three proposals for this project:

<u>Bidder</u>	<u>Location</u>	<u>Bid</u>
Securitas	Stockton	\$12.84/hr
Atlas Security and Patrol, Inc.	Sacramento	\$13.85/hr
Aces and Eights Security Company	Lodi	\$16.75/hr

FUNDING: Funds are budgeted in the Transit Fund 1250 \$113,711.00
 Bid Opening Date: November 12, 2003
 Funding Available:

 Vicky McAthie, Finance Director

 Richard C. Prima, Jr.
 Public Works Director

Prepared by Tiffani M. Fink, Transportation Manager
 RCP/TMF/pmf
 cc: Finance Director
 Purchasing Officer

Community Center Director
 Transportation Manager

APPROVED: _____
 H. Dixon Flynn, City Manager

Request for Proposals

Security Services

At

**Lodi Station, Lodi Station Parking Structure
and Hutchins Street Square**

City of Lodi, California

Notice is hereby given that the Purchasing Officer of the City of Lodi, California will receive sealed proposals at the Finance Department, City Hall Annex, 212 West Pine Street, Lodi, CA, 95240, (P.O. Box 3006, Lodi, CA, 95241-1910) not later than

11:00 a.m., Wednesday, November 12, 2003

at which time they will be publicly opened in the Public Works Conference Room, City Hall, 221 West Pine Street, Lodi, CA and provided to the Public Works Department for evaluation.

Proposals received after said time will not be considered. Each proposal shall be submitted in a sealed envelope plainly marked

Proposal: Security Services – Lodi Station, Lodi Station
Parking Structure and Hutchins Street Square. Due November 12, 2003

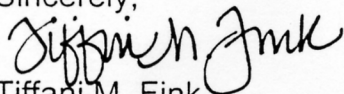
This Request for Proposals is intended to be used to qualify and select a firm to provide private security services for the Lodi Station at 22-24 South Sacramento Street, Lodi Station Parking Structure at 2 North Sacramento Street, and Hutchins Street Square at 125 South Hutchins Street, Lodi, CA.

Individuals or firms submitting proposals must demonstrate knowledge and experience with providing security guard services.

The City of Lodi reserves the right to accept such proposal as may be deemed most advantageous to the City, the right to waive any informality in a proposal and the further right to reject any and all proposals.

Technical questions regarding this project may be directed to Tiffani Fink, Transportation Manager, (209) 333-6800, extension 2678.

Sincerely,



Tiffani M. Fink
Transportation Manager
City of Lodi

DELTA HAWKEYE SECURITY
SERVICES
3201 W BENJAMIN HOLT DRIVE
STOCKTON CA 95219

WINDWALKER SECURITY
23987 NW FRONTAGE ROAD
ACAMPO CA 95220

LODI SECURITY & PROTECT SRV
PO BOX 311
WOODBIDGE CA 95258

PINKERTON SECURITY &
INVESTIGATIONS
6820 PACIFIC AVENUE #29
STOCKTON CA 95207

BURNS INTERNATIONAL
SECURITY
6820 PACIFIC AVENUE #29
STOCKTON CA 95207

ATLAS SECURITY & PATROL INC
77 N PERSHING AVENUE #2C
STOCKTON CA 95203

RESOLUTION NO. 2004-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AWARDING THE CONTRACT FOR SECURITY
SERVICES AT THE LODI STATION/LODI
STATION PARKING STRUCTURE

=====

WHEREAS, Request for Proposals were received and opened on November 12, 2003, for the Security Services at the Lodi Station/Lodi Station Parking Structure approved by the City Council on October 15, 2003; and

WHEREAS, said Proposals have been compared, checked, and tabulated and a report thereof filed with the City Manager as follows:

<u>Bidder</u>	<u>Location</u>	<u>Bid</u>
Securitas	Stockton	\$12.84/Hr.
Atlas Security and Patrol, Inc.	Sacramento	\$13.85/Hr.
Aces and Eights Security Company	Lodi	\$16.75/Hr.

WHEREAS, staff recommends award of the contract for the Security Services at the Lodi Station/Lodi Station Parking Structure be made to the low bidder, Securitas of Stockton, California.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that the award of the contract for the Security Services at the Lodi Station/Lodi Station Parking Structure be made to the low bidder, Securitas of Stockton, California, in the amount of \$12.84/Hr.

Dated: February 18, 2004

=====

I hereby certify that Resolution No. 2004-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 18, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Accept Improvements Under Contract for Lodi Avenue Asphalt Concrete Resurfacing, Ham Lane to Union Pacific Railroad

MEETING DATE: February 18, 2004

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council accept the improvements under the "Lodi Avenue Asphalt Concrete Resurfacing, Ham Lane to Union Pacific Railroad" contract.

BACKGROUND INFORMATION: The project was awarded to Granite Construction, of Stockton, on July 16, 2003, in the amount of \$349,985.00. The contract has been completed in substantial conformance with the plans and specifications approved by the City Council.

The final contract price was \$389,129.60. The difference between the contract amount and the final contract price is mainly due to additional improvements (handicap ramps and electrical conduit/conductor) at the intersection of Lodi Avenue and Sacramento Street, the additional cost to perform the paving operation at night, and an additional cost to adjust the Electric Utility vault lids to grade.

Following acceptance by the City Council, the City Engineer will file a Notice of Completion with the County Recorder's office.

FUNDING:	Budgeted Fund:	Measure K	\$ 250,000
		Transportation Congestion Relief Funds	\$ 130,000
		Electric Utility Outlay Reserve Fund	\$ 10,900
	Contract Amount:	\$389,129.60	

Richard C. Prima, Jr.
Public Works Director

Prepared by Wesley Fujitani, Senior Civil Engineer

RCP/WKF/pmf

cc: Purchasing Officer
Street Superintendent

APPROVED: _____
H. Dixon Flynn, City Manager



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Accept Improvements Under Contract for Kettleman Lane Median Improvements, Hutchins Street to School Street

MEETING DATE: February 18, 2004

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council accept the improvements under the "Kettleman Lane Median Improvements, Hutchins Street to School Street" contract.

BACKGROUND INFORMATION: The project was awarded to Clayborn Contracting Group, Inc., of Auburn, on July 2, 2003, in the amount of \$129,058.00. The contract has been completed in substantial conformance with the plans and specifications approved by the City Council.

The final contract price was \$135,902.53. The difference between the contract amount and the final contract price is mainly due to a contract change order which adjusted the quantities of work performed by the Contractor. Most of the adjustments addressed changes in the traffic striping quantities. The asphalt concrete quantity and the median island removal quantities were increased and the City deducted the installation of 10 street name signs.

Following acceptance by the City Council, the City Engineer will file a Notice of Completion with the County Recorder's office.

FUNDING:	Budgeted Fund:	Street Fund	\$ 21,000.00
		HES Funds	\$127,000.00
	Contract Amount:	\$135,902.53	

Richard C. Prima, Jr.
Public Works Director

Prepared by Wesley Fujitani, Senior Civil Engineer

RCP/WKF/pmf

cc: Purchasing Officer
Street Superintendent
Associate Civil Engineer Chang

APPROVED: _____
H. Dixon Flynn, City Manager





CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution Awarding the Bid and Authorizing the City Manager to Execute a Contract for the City of Lodi/Lodi Unified School District Compressed Natural Gas (CNG) Fueling Station Equipment with Allsup Corporation of Upland (\$308,280) and Appropriate Funds Upon Receipt of Written Funding Commitment from Lodi Unified School District

MEETING DATE: February 18, 2004

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution awarding the bid and authorizing the City Manager to execute a contract for the City of Lodi/Lodi Unified School District Compressed Natural Gas (CNG) Fueling Station Equipment with Allsup Corporation of Upland and appropriate funds upon receipt of a written funding commitment from Lodi Unified School District (LUSD).

BACKGROUND INFORMATION: This project consists of providing the necessary equipment for LUSD's compressed natural gas (CNG) fueling station, located at the District's bus transportation facility, 820 South Cluff Avenue.

The City of Lodi and LUSD are working in cooperation on this CNG project. The purchase of the CNG equipment for the District's on-site CNG fueling station is the next step in that process. Bidding the equipment separately from the construction was the most cost-effective and efficient way to build the CNG station, as it reduces the cost of the equipment, since the manufacturers provide it. The bids for the installation of the equipment and construction have been received and are to be awarded concurrent to the equipment award.

Additionally, staff is requesting that LUSD submit a written reimbursement funding commitment for the grant funds they received for this project. LUSD received a grant from the San Joaquin Valley Air Pollution Control District (SJVAPCD) to match the funds the City received on behalf of the School District from the San Joaquin Council of Governments (SJCOG).

Staff is recommending awarding the Base Bid with two (2) compressors, as well as Alternates 2, 3 and 4 (see attached). Due to the selection of Alternate 2 (a heavy-duty fuel dispenser), the City will not be awarding Base Bid Item 5 (a light-duty fuel dispenser).

Plans and specifications for this project were approved on June 18, 2003. The City received the following two bids for this project:

APPROVED: _____
H. Dixon Flynn, City Manager

Adopt Resolution Awarding the Bid and Authorizing the City Manager to Execute a Contract for the City of Lodi/ Lodi Unified School District Compressed Natural Gas (CNG) Fueling Station Equipment with Allsup Corporation of Upland (\$308,280) and Appropriate Funds Upon Receipt of Written Funding Commitment from Lodi Unified School District
February 18, 2004
Page 2

Bidder	Location	Bid
Engineer's Estimate		\$340,000
Allsup Corporation	Upland, CA	\$308,275
Greenfield Compression, Inc.	Richardson, TX	\$310,876

FUNDING: Requested Appropriation: Transit Fund 1250 \$308,275
City will be reimbursed by the SJCOG CMAQ grant and the LUSD grant from the SJVAPCD.
Project Estimate: \$308,275
Bid Opening Date: February 4, 2004

Vicky McAthie, Finance Director

Richard C. Prima, Jr.
Public Works Director

Prepared by Tiffani M. Fink, Transportation Manager

RCP/TF/pmf

Attachment

cc: Purchasing Officer
Fleet and Facilities Manager
Transportation Manager
LUSD Superintendent
LUSD Asst. Superintendent of Facilities and Planning
LUSD Construction Project Manager

CITY OF LODI

Public Works Department

PROJECT: CITY OF LODI-LODI UNIFIED SCHOOL DISTRICT COMPRESSED NATURAL GAS (CNG) FUELING STATION EQUIPMENT

				Allsup Corporation Stockton		Greenfield Compression, Inc. Lodi	
Item	Description	Qty	Unit	Price	Total	Price	Total
1	CNG Compressor Make/Model:	2	EA	\$83,900.00 Angi CNG-75	\$167,800.00	\$102,479.00 Greenfield B65-6NG	\$204,958.00
2	Dryer Make/Model:	1	EA	\$19,330.00 Xebec	\$19,330.00	\$15,064.00 Xebec	\$15,064.00
3	Time Fill Panel Make/Model:	1	EA	Included Angi	Included	\$4,501.00 Greenfield	\$4,501.00
4	Time Fill Station Make/Model:	8	EA	\$2,890.00 Angi	\$23,120.00	\$2,857.00 Greenfield GFTFHP-2L	\$22,854.00
5	Fast Fill Dispenser Make/Model:	1	EA	\$33,300.00 Angi MCDS	\$33,300.00	\$31,244.00 Greenfield SG/1	\$31,244.00
6	Priority Panel w/ESD Make/Model:	1	EA	\$21,800.00 Angi	\$21,800.00	\$9,401.00 Greenfield EPESD-3LDF	\$9,401.00
TOTAL					\$265,350.00		\$288,022.00
OPTIONAL WORK ITEMS							
<i>Alternate 1.</i>	<i>Pressure Vessel Assembly</i> <i>Make/Model:</i>	1	EA	<i>\$121,850.00</i> <i>CPI</i>	<i>\$121,850.00</i>	<i>\$101,001.00</i> <i>CPI/Greenfield</i>	<i>\$101,001.00</i>
Alternate 2.	Fast Fill Dispenser Make/Model:	1	EA	\$53,105.00 Angi	\$53,105.00	\$31,244.00 Greenfield S/G1	\$31,244.00
Alternate 3.	Time Fill Station Make/Model:	8	EA	\$2,890.00 Angi	\$23,120.00	\$2,857.00 Greenfield GFTFHP-2L	\$22,854.00
Alternate 4.	Sound Enclosure Make/Model:	1	EA	Included Angi	Included	N/A N/A	N/A
			LS				
Total Alternate Bid Items					\$198,075		\$155,099
TOTAL Base Bid and Alternate Items			LS		\$463,425		\$443,121

NOTES/COMMENTS:

Items in bold indicate that since Alternate 2 is being awarded, Base Bid Item 5 is not being awarded. Alternate 1 in italics is not being awarded.

Attachment: Equipment

RESOLUTION NO. 2004-_____

A RESOLUTION OF THE LODI CITY COUNCIL AWARDING THE BID AND
AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR THE CITY
OF LODI/LODI UNIFIED SCHOOL DISTRICT (LUSD) COMPRESSED NATURAL GAS
(CNG) FUELING STATION EQUIPMENT, AND FURTHER APPROPRIATING FUNDS
FOR THIS PROJECT UPON RECEIPT OF WRITTEN FUNDING COMMITMENT
FROM LUSD

WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council, sealed bids were received and publicly opened on February 4, 2004, at 11:00 a.m. for the City of Lodi/Lodi Unified School District Compressed Natural Gas (CNG) Fueling Station Equipment described in the specifications therefore approved by the City Council on June 18, 2003; and

WHEREAS, said bids have been compared, checked, and tabulated and a report thereof filed with the City Manager as follows:

<u>Bidder</u>	<u>Location</u>	<u>Bid</u>
<u>Engineer's Estimate</u>		<u>\$ 340,000.00</u>
Allsup Corporation	Upland, CA	\$ 308,275.00
Greenfield Compression, Inc.	Richardson, TX	\$ 310,876.00

WHEREAS, the City Manager recommends award of the bid for the City of Lodi/Lodi Unified School District Compressed Natural Gas (CNG) Fueling Station Equipment be made to the low bidder, Allsup Corporation of Upland, California.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby awards the bid for the City of Lodi/Lodi Unified School District Compressed Natural Gas (CNG) Fueling Station Equipment to Allsup Corporation of Upland, California, in the amount of \$308,275.00; and

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized and directed to execute the contract for the project on behalf of the City of Lodi; and

BE IT FURTHER RESOLVED that funds in the amount of \$308,275.00 be appropriated from the Transit Fund 1250 for this project upon receipt of a written funding commitment from Lodi Unified School District.

Dated: February 18, 2004

I hereby certify that Resolution No. 2004-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 18, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2004-_____



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution Awarding the Bid and Authorizing the City Manager to Execute a Contract for City of Lodi/Lodi Unified School District Compressed Natural Gas (CNG) Fueling Station Construction with Performance Mechanical, Inc., of Sacramento (\$315,310) and Appropriate Funds Upon Receipt of Written Funding Commitment from Lodi Unified School District

MEETING DATE: February 18, 2004

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution awarding the bid and authorizing the City Manager to execute a contract for the City of Lodi/Lodi Unified School District Compressed Natural Gas (CNG) Fueling Station Construction with Performance Mechanical, Inc., of Sacramento, in the amount of \$315,312 (includes bid alternates) and appropriate funds upon receipt of a written funding commitment from Lodi Unified School District (LUSD).

BACKGROUND INFORMATION: This project consists of providing the construction for LUSD's compressed natural gas (CNG) fueling station, located at the District's bus transportation facility, 820 South Cluff Avenue.

The City of Lodi and LUSD are working in cooperation on this CNG project. The construction of the CNG facility for the District's on-site CNG fueling station is the next step in that process. Bidding the equipment separately from the construction was the most cost effective and efficient way to build the CNG station, as it reduces the cost of the equipment, since the manufacturers provide it. The bids for the installation of the equipment have been received and are to be awarded concurrent to the construction award.

Additionally, staff is requesting that LUSD submit a written reimbursement funding commitment for the grant funds they received for this project. LUSD received a grant from the San Joaquin Valley Air Pollution Control District (SJVAPCD) to match the funds the City received on behalf of the School District from the San Joaquin Council of Governments.

Staff is recommending awarding the Base Bid, as well as Alternates 1, 3, 4, 5, 6, 7, 8, 10 and 11 (see attached). In addition, staff is requesting that the City Council appropriate an additional \$33,000 for the purchase of a pre-cast concrete wall and a methane detection system. These bid alternates were not selected for award but are required to be installed per code prior to operation of the fueling facility. Staff will work with the contractor to try to acquire these additional items. Should staff not be able to reach a consensus on price, staff will re-bid these items.

APPROVED: _____
H. Dixon Flynn, City Manager

Adopt Resolution Awarding the Bid and Authorizing the City Manager to Execute a Contract for City of Lodi/Lodi Unified School District Compressed Natural Gas (CNG) Fueling Station Construction with Performance Mechanical, Inc., of Sacramento (\$315,310) and Appropriate Funds Upon Receipt of Written Funding Commitment from Lodi Unified School District
February 18, 2004
Page 2

Plans and specifications for this project were approved on August 20, 2003. The City received the following two bids for this project:

	Bidder	Location	Bid
	Engineer's Estimate		\$340,000
	Performance Mechanical, Inc.	Sacramento	\$256,647
	Allsup Corporation	Upland	\$300,497
FUNDING:	Requested Appropriation:	Transit Fund 1250	\$315,312
		City will be reimbursed by the SJCOG CMAQ grant and the LUSD grant from the SJVAPCD.	
	Project Estimate:	\$315,312 (includes contingencies and additional funding for wall and methane detection)	
	Bid Opening Date:	February 4, 2004	

Vicky McAthie, Finance Director

Richard C. Prima, Jr.
Public Works Director

Prepared by Tiffani M. Fink, Transportation Manager

RCP/TF/pmf

Attachment

cc: Purchasing Officer
Fleet and Facilities Manager
Transportation Manager
LUSD Superintendent
LUSD Asst. Superintendent of Facilities and Planning
LUSD Construction Project Manager

CITY OF LODI

Public Works Department

PROJECT: City of Lodi - Lodi Unified School District Compressed Natural Gas (CNG) Fueling Station Construction

Item	Description	Qty	Unit	Performance Mechanical, Inc. Sacramento, CA		Allsup Corporation Upland, CA	
				Price	Total	Price	Total
1	Base Bid Items:						
2	Base Bid Item 1 - Concrete pads & post bases	1	LS	\$41,896	\$41,896	\$59,533	\$59,533
3	Base Bid Item 2 - Gas Piping/Tubing	1	LS	\$68,577	\$68,577	\$46,840	\$46,840
4	Base Bid Item 3 - Electrical System	1	LS	\$64,422	\$64,422	\$77,880	\$77,880
5	Base Bid Item 4 - Compressor Installation	1	LS	\$2,000	\$2,000	\$8,500	\$8,500
6	Base Bid Item 5 - Gas Dryer Installation	1	LS	\$1,000	\$1,000	\$5,250	\$5,250
7	Base Bid Item 6 - Priority Panel Installation	1	LS	\$1,000	\$1,000	\$1,850	\$1,850
8	Base Bid Item 7 - Stainless Stl Tubing Installation	1	LS	\$8,654	\$8,654	\$22,850	\$22,850
9	Base Bid Item 8 - Fast Fill Dispenser Installation	1	LS	\$2,000	\$2,000	\$2,250	\$2,250
10	Base Bid Item 9 - Eight Slow Fill Posts Installation	1	LS	\$2,900	\$2,900	\$6,860	\$6,860
	Base Bid Item 10 - Electrical Switchboard & Svc.	1	LS	\$20,005	\$20,005	\$20,600	\$20,600
	Total Base Bid Items		LS		\$212,454		\$252,413
11	Alternate Bid Items:						
12	Alternate #1 - 2nd Compressor Installation	1	LS	\$7,520	\$7,520	\$7,860	\$7,860
13	Alternate #2a - Two Gas Detection Systems	2	EA	\$1,350	\$3,240	\$55,207	\$55,207
14	Alternate #2b - One Additional Transceiver	1	LS	\$1,610	\$1,610	\$1,360	\$1,360
15	Alternate #3 - Two Rooftop Exhaust Fans	2	EA	\$2,278	\$4,556	\$1,410	\$2,820
16	Alternate #4 - Three Louvered Metal Doors	3	EA	\$575	\$1,725	\$940	\$2,820
17	Alternate #5 - Two Wall Louvers	2	EA	\$128	\$256	\$95	\$190
18	Alternate #6 - Two Fire-rated Dampers	2	EA	\$41	\$82	\$145	\$290
19	Alternate #7- Five Slow Fill Post Installation	1	LS	\$10,229	\$10,229	\$12,720	\$12,720
20	Alternate #8- Pressure Vessel Assembly Install	1	LS	\$14,354	\$14,354	\$15,480	\$15,480
21	Alternate #9- Remove 8 posts and install 1 wall	1	LS	N/A	N/A	\$13,950	\$13,950
22	Alternate #10- Two Yard Lights- Furnish/Install	2	EA	\$3,910	\$3,910	\$2,040	\$4,080
	Alternate #11- Two ESD Installation	1	LS	\$1,561	\$1,561	\$825	\$825
	Total Alternate Bid Items				\$49,043		\$117,602
	TOTAL Base Bid and Alternate Items		LS		\$261,497		\$370,015

NOTES/COMMENTS:

Bid Alternates not being awarded have been bolded and italicized.

RESOLUTION NO. 2004-_____

A RESOLUTION OF THE LODI CITY COUNCIL AWARDING THE BID AND
AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR THE CITY
OF LODI/LODI UNIFIED SCHOOL DISTRICT (LUSD) COMPRESSED NATURAL GAS
(CNG) FUELING STATION CONSTRUCTION, AND FURTHER APPROPRIATING
FUNDS FOR THIS PROJECT UPON RECEIPT OF WRITTEN FUNDING
COMMITMENT FROM LUSD

WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council, sealed bids were received and publicly opened on February 4, 2004, at 11:00 a.m. for the City of Lodi/Lodi Unified School District Compressed Natural Gas (CNG) Fueling Station Construction described in the specifications therefore approved by the City Council on August 20, 2003; and

WHEREAS, said bids have been compared, checked, and tabulated and a report thereof filed with the City Manager as follows:

<u>Bidder</u>	<u>Location</u>	<u>Bid</u>
Engineer's Estimate		\$ 340,000.00
Performance Mechanical, Inc.	Sacramento	\$ 256,647.00
Allsup Corporation	Upland, CA	\$ 300,497.00

WHEREAS, the City Manager recommends award of the bid for the City of Lodi/Lodi Unified School District Compressed Natural Gas (CNG) Fueling Station Construction be made to the low bidder, Performance Mechanical, Inc., of Sacramento, California.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby awards the bid for the City of Lodi/Lodi Unified School District Compressed Natural Gas (CNG) Fueling Station Construction with Performance Mechanical, Inc., of Sacramento, California, in the amount of \$256,647.00; and

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized and directed to execute the contract for this project on behalf of the City of Lodi; and

BE IT FURTHER RESOLVED that funds in the amount of \$315,312.00 be appropriated from the Transit Fund 1250 for this project upon receipt of a written funding commitment from Lodi Unified School District.

Dated: February 18, 2004

I hereby certify that Resolution No. 2004-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 18, 2004, by the following vote:

AYES: COUNCIL MEMBERS –
NOES: COUNCIL MEMBERS –
ABSENT: COUNCIL MEMBERS –
ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2004-_____



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Authorize the City Manager to amend the professional service agreement with PMC Consultants for the preparation of the environmental impact report for the proposed commercial development at the southwest corner of Lower Sacramento Road and Kettleman Lane

MEETING DATE: February 18, 2004

PREPARED BY: Konradt Bartlam, Community Development Director

RECOMMENDED ACTION: Authorize the City Manager to amend the professional service agreement with PMC Consultants for the preparation of the environmental impact report for the proposed commercial development at the southwest corner of Lower Sacramento Road and Kettleman Lane.

BACKGROUND INFORMATION: In December, 2002, the City Council authorized the City Manager to enter into a professional services agreement with PMC Consultants for the preparation of an Environmental Impact Report (EIR) for a proposed commercial center at the southwest corner of Kettleman Lane and Lower Sacramento Road. Since that time, the EIR has been in production, albeit very slowly.

As a result of the applicant choosing to re-design the site plan for the center, additional environmental work is now required. The bulk of this work is the analysis of traffic impacts. Therefore, an amendment to the PMC agreement is necessary. The total for additional services is \$47,720. In addition, staff feels a contingency of ten percent is necessary for a total of \$52,492.

As the City Council will recall, the cost of EIR's are born by the project applicant. As such, we will receive the full payment from Browman Development prior to authorizing any further work.

FUNDING: The project proponent will deposit sufficient funds to the City for the cost plus contingencies (\$52,492).

Vicky McAthie, Finance Director

Konradt Bartlam
Community Development Director

APPROVED: _____
H. Dixon Flynn, City Manager



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Approving Lodi's Submittal of Reasonably Available Control Measures (RACM) for the San Joaquin Valley Air Pollution Control District's 2010 Ozone Attainment Plan

MEETING DATE: February 18, 2004

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution approving Lodi's submittal of Reasonably Available Control Measures (RACM) for the San Joaquin Valley Air Pollution Control District's (SJVAPCD) 2010 Ozone Attainment Plan.

BACKGROUND INFORMATION: The San Joaquin Valley, of which San Joaquin County and Lodi are part, has applied for re-designation of its air quality status to "extreme" for ozone non-conformity. The San Joaquin Valley's new designation would make our status equivalent to the Los Angeles Air Basin, which is "extreme" for ozone, the worst designation in the country. This was done to provide additional time to achieve compliance.

As part of this process, the SJVAPCD has re-looked at an exhaustive list of Reasonably Available Control Measures (RACM) for implementation in the San Joaquin Valley. Because numerous lawsuits have been filed against sixteen states and their RACM process, the San Joaquin Valley has gone through this extensive process again in order to comply with the Federal Clean Air Act. Attached are measures that staff feels are feasible for implementation by the City of Lodi and other measures that we feel are not feasible.

FUNDING: Not Applicable

Richard C. Prima, Jr.
Public Works Director

Prepared by Tiffani M. Fink, Transportation Manager

RCP/TF/pmf

Attachment

cc: City Manager
Interim City Attorney
Julia Greene, SJCOG

APPROVED: _____
H. Dixon Flynn, City Manager

Explanations for Non-Commitment to Control Measures

SJC1.1 Regional Express Bus Program

This measure would be better served by implementation at the regional level. As such, the City of Lodi does not find it to be feasible to implement this measure. The City of Lodi supports the Regional Transit District's efforts.

SJC1.2 Transit Access to Airports

This measure would be better served by implementation at the regional level. As such, the City of Lodi does not find it to be fiscally feasible to implement this measure. The City of Lodi supports the Regional Transit District's efforts.

SJC1.3 Study Benefits of Bus Retrofit Program

This measure would be better served by implementation at the regional level. As such, the City of Lodi does not find it to be fiscally feasible to implement this measure. However, it should be noted that 80% of Lodi's current Transit fleet is CNG fueled. The City of Lodi supports the Regional Transit District's efforts.

SJC1.4 Mass Transit Alternatives

This measure would be better served by implementation at the regional level. As such, the City of Lodi does not find it to be fiscally feasible to implement this measure. The City of Lodi supports the Regional Transit District's efforts.

SJC1.5 Expansion of Public Transportation Systems

This measure would be better served by implementation at the regional level. As such, the City of Lodi does not find it to be fiscally feasible to implement this measure. The City of Lodi supports the Regional Transit District's efforts.

SJC1.6 Transit Service Improvements in Combination with Park-and-Ride Lots and Parking Management

This measure would be better served by implementation at the regional level. As such, the City of Lodi does not find it to be fiscally feasible to implement this measure. The City of Lodi supports the Regional Transit District's and the San Joaquin Council of Governments' efforts.

SJC1.7 Free (to the Public) Transit During Special Events

This measure would be better served by implementation at the regional level. As such, the City of Lodi does not find it to be fiscally feasible to implement this measure. The City of Lodi supports the Regional Transit District's efforts.

SJC1.9 Increase Parking at Transit Centers or Stops

This measure would be better served by implementation at the regional level. As such, the City of Lodi does not find it to be fiscally feasible to implement this measure. It should be noted, however, that the City of Lodi's Lodi Station Parking Structure provides parking for the Lodi Multi-modal Station, which is served by numerous transit agencies. The City of Lodi supports the Regional Transit District's and San Joaquin Council of Governments' efforts.

SJC3.1 Commute Solutions

This measure would be better served by implementation at the regional level. As such, the City of Lodi does not find it to be fiscally feasible to implement this measure. The City of Lodi supports the San Joaquin Council of Governments' efforts.

SJC3.2 Parking Cash-Out

This measure would be better served by implementation at the regional level. As such, the City of Lodi does not find it to be fiscally feasible to implement this measure.

SJC3.3 Employer Rideshare Program Incentives

This measure would be better served by implementation at the regional level. As such, the City of Lodi does not find it to be fiscally feasible to implement this measure. The City of Lodi supports the San Joaquin Council of Governments' efforts.

SJC3.5 Preferential Parking for Carpools and Vanpools

This measure would be better served by implementation at the regional level. As such, the City of Lodi does not find it to be fiscally feasible to implement this measure. The City of Lodi supports the San Joaquin Council of Governments' efforts.

SJC3.8 Purchase Vans for Vanpools

This measure would be better served by implementation at the regional level. As such, the City of Lodi does not find it to be fiscally feasible to implement this measure. The City of Lodi supports the San Joaquin Council of Governments' efforts.

SJC3.16 Telecommuting

This measure would be better served by implementation at the regional level. As such, the City of Lodi does not find it to be fiscally feasible to implement this measure. The City of Lodi supports the San Joaquin Council of Governments' efforts.

SJC5.1 Develop Intelligent Transportation Systems

This measure would be better served by implementation at the regional level. As such, the City of Lodi does not find it to be fiscally feasible to implement this measure. The City of Lodi supports the San Joaquin Council of Governments' and Regional Transit District's efforts.

SJC5.4 Site Specific Transportation Control Measures

The City of Lodi already works with real-estate developers; however, there is no way to predict a schedule or funding sources for these measures. As such, the City of Lodi does not find it to be fiscally or logistically feasible to implement this measure.

SJC5.6 Reversible Lanes

Reversible lanes have been considered but not adopted because of the lack of benefit and adverse economic impact they would have. As such, the City of Lodi does not find it to be fiscally or logistically feasible to implement this measure.

SJC5.7 One Way Streets

The City studied these measures during the Downtown Revitalization project in the mid-90's. It would have been counterproductive to the revitalization efforts. The City of Lodi does not find it feasible to implement this measure.

SJC5.8 On-Street Parking Restrictions

The City of Lodi evaluates locations on an on-going basis; however, it is not possible to predict a schedule of funding for this measure. As such, the City of Lodi does not find it to be fiscally or logistically feasible to implement this measure.

SJC5.9 Bus Pullouts in Curbs for Passenger Loading

Bus pullouts in Lodi are not economically feasible because it is an older city with many of the homes and businesses at the back of the sidewalk. However, the City does alleviate traffic on State Highway 12 by routing the City buses on-site of the Target and Wal-Mart shopping centers.

SJC5.10 Additional Freeway Service Patrol

This measure would be better served by implementation at the regional level. As such, the City of Lodi does not find it to be fiscally feasible to implement this measure. The City of Lodi supports Caltrans and the San Joaquin Council of Governments' efforts.

SJC5.17 Freeway Bottleneck Improvements (Add lanes, Construct Shoulders, Etc.)

This measure would be better served by implementation at the regional level. As such, the City of Lodi does not find it to be economically feasible to implement this measure. The City of Lodi supports Caltrans efforts.

SJC6.2 Park and Ride Lots Serving Perimeter Counties

This measure would be better served by implementation at the regional level. As such, the City of Lodi does not find it to be economically feasible to implement this measure. The City of Lodi supports the San Joaquin Council of Governments' and Regional Transit District's efforts.

SJC7.3 Involve School Districts to Encourage Walking/Bicycling to School

This measure would be better served by implementation at the regional level. As such, the City of Lodi does not find it to be economically feasible to implement this measure. The City of Lodi supports the school district's efforts.

SJC7.4 Adjust School Hours so They Do Not Coincide with Peak Traffic Periods and Ozone Seasons

This measure would be better served by implementation at the regional level. As such, the City of Lodi does not find it to be fiscally feasible to implement this measure. The City of Lodi supports the school district's efforts; however, the City of Lodi has no control over school hours.

SJC7.11 Auto Restricted Zones

The City of Lodi does not have any high emissions or congestion concentrated in any location that would warrant this measure. As such, the City of Lodi does not find it fiscally feasible to implement this measure.

SJC8.1 Financial Incentives

This measure would be better served by implementation at the regional level. As such, the City of Lodi does not find it to be fiscally feasible to implement this measure. The City of Lodi supports the San Joaquin Council of Governments Commute Connection and the Regional Transit District's efforts.

SJC8.2 Internet Ridematching Services

This measure would be better served by implementation at the regional level. As such, the City of Lodi does not find it to be fiscally feasible to implement this measure. The City of Lodi supports the San Joaquin Council of Governments' and Regional Transit District's efforts.

SJC8.3 Preferential Parking for Carpoolers

This measure would be better served by implementation at the regional level. As such, the City of Lodi does not find it to be fiscally feasible to implement this measure. The City of Lodi supports employers' efforts.

SJC8.4 Credits and Incentives for Carpoolers

This measure would be better served by implementation at the regional level. As such, the City of Lodi does not find it to be fiscally feasible to implement this measure. The City of Lodi supports employers' efforts.

SJC8.5 Encourage Employers to Provide Vehicles to Carpoolers for Running Errands or Emergencies

This measure would be better served by implementation at the regional level. As such, the City of Lodi does not find it to be fiscally feasible to implement this measure. The City of Lodi supports employers' efforts.

SJC8.6 Subscription Services

This measure would be better served by implementation at the regional level. As such, the City of Lodi does not find it to be fiscally feasible to implement this measure. The City of Lodi supports the Regional Transit District's efforts.

SJC9.5 Encouragement of Bicycle Travel

This measure would be better served by implementation at the regional level. As such, the City of Lodi does not find it to be fiscally feasible to implement this measure. The City of Lodi supports the County's efforts.

SJC13.1 Alternative Work Schedules

This measure would be better served by implementation at the regional level. As such, the City of Lodi does not find it fiscally feasible to implement this measure citywide; however, these schedules are available in certain departments and workgroups. The City of Lodi supports employers' efforts.

SJC13.2 Modifications of Work Schedules

This measure would be better served by implementation at the employer level. As such, the City of Lodi does not find it fiscally feasible to implement this measure. The City of Lodi supports employers' efforts.

SJC13.3 Telecommunications-Telecommuting

This measure would be better served by implementation at the regional level. As such, the City of Lodi does not find it fiscally feasible to implement this measure. The City of Lodi supports employers' efforts.

SJC13.4 Telecommunications- Teleconferencing

This measure would be better served by implementation at the regional level. As such, the City of Lodi does not find it fiscally feasible to implement this measure. The City of Lodi supports the San Joaquin Council of Governments' efforts.

SJC14.6 Transportation for Livable Communities

This measure would be better served by implementation at the regional level. As such, the City of Lodi does not find it to be fiscally feasible to implement this measure. The City of Lodi supports the county's efforts.

SJC15.1 Encouragement of Pedestrian Travel

This measure would be better served by implementation at the regional level. As such, the City of Lodi does not find it to be fiscally feasible to implement this measure; however, it does do its part to ensure that there are suitable sidewalks for safe pedestrian travel. The City of Lodi supports the county's efforts.

SJC17.1 Enforcement of Traffic, Parking and Air Pollution Regulations

This measure would be better served by implementation at the regional level. As such, the City of Lodi does not find it to be fiscally feasible to implement this measure. The City of Lodi supports the air district's efforts.

SJC17.6 Satellite Campuses

This measure would be better served implementation at the regional level. As such, the City of Lodi does not find it to be fiscally feasible to implement this measure. The City of Lodi supports the county's efforts.

TCM3 Rideshare Programs

The measure would be better served by implementation at the regional level. As such, the City of Lodi does not find it to be fiscally feasible to implement this measure. The City of Lodi supports the San Joaquin Council of Governments.

EPA Commute Benefits

This measure would be better served by implementation at the regional level. As such, the City of Lodi does not find it to be fiscally feasible to implement this measure. The City of Lodi supports the San Joaquin Council of Governments efforts.

District Heavy Duty Engine Emission Reduction Incentive Program

This measure would be better served by implementation at the regional level. As such, the City of Lodi does not find it to be fiscally feasible to implement this measure. The City of Lodi supports the air district's efforts.

Commitment to Control Measures

Measure Title: SJC3.9: Encourage Merchants and Employers to Subsidize the Cost of Transit for Employees

Measure Description: This measure provides outreach and possible financial incentives to encourage local employers to provide transit or subsidies to encourage less individual vehicle travel.

Measure Title: SJC5.2: Coordinate Traffic Signal Systems

Measure Description: This measure implements and enhances synchronized traffic signal systems to promote steady traffic flow at moderate speeds.

Measure Title: SJC5.3: Reduce Traffic Congestion at Major Intersections

Measure Description: This measure implements a wide range of traffic control techniques designed to facilitate smooth, safe travel through intersections. These techniques include signalization, turn lanes or median dividers. The use of grade separations may also be appropriate for high volume or unusually configured intersections.

Measure Title: SJC5.16: Adaptive Traffic Signals and Signal Timing

Measure Description: This measure is self-explanatory.

Measure Title: SJC6.1 Park and Ride Lots

Measure Description: This measure is self-explanatory.

Measure Title: SJC9.1: Establish Auto-Free Zones and Pedestrian Malls

Measure Description: This measure establishes auto-free zones and pedestrian malls where appropriate.

Measure Title: SJC9.2: Encouragement of Pedestrian Travel

Measure Description: This measure involves encouraging the use of pedestrian travel as an alternative to automobile travel. Pedestrian travel is quite feasible for short shopping, business or school trips. Promotion of pedestrian travel could be included in air pollution public awareness efforts to remind people of this basic alternative.

Measure Title: SJC9.3: Bicycle/Pedestrian Program

Measure Description: This measure funds high priority projects in countywide plans consistent with funding availability.

Measure Title: SJC9.4: Close Certain Roads for Use by Non-Motorized Traffic

Measure Description: This measure provides that during special events, weekends, or certain times of day, some roads be closed to all by non-motorized traffic, when/where appropriate.

Measure Title: SJC9.8: Close Streets for Special Events for Use by Bikes and Pedestrians When/Where Appropriate

Measure Description: This measure is self-explanatory.

Measure Title: SJC 10.2: Bike Racks on Buses

Measure Description: This measure is self-explanatory.

Measure Title: SJC10.4: Development of Bicycle Travel Facilities

Measure Description: This measure encourages a variety of capital improvements to increase bicycle use.

Measure Title: SJC14.3: Land Use/Development Alternatives

Measure Description: This measure includes encouraging land use patterns which support public transit and other alternative modes of transportation. In general, this measure would also encourage land use patterns designed to reduce travel distances between related land uses (e.g., residential-commercial). Shorter trip lengths ultimately relieve traffic congestion and improve air quality.

Measure Title: SJC15.2: Pedestrian and Bicycle Overpasses Where Safety Dictates

Measure Description: This measure provides for ongoing implementation as development occurs.

Measure Title: TCM1: Traffic Flow Improvements

Measure Description: The CMAQ program is a major funding source for traffic flow improvements. On-going flow improvements include commuter rail, a number of signalization improvements and various corridor improvements.

Measure Title: TCM4: Bicycle Programs

Measure Description: CMAQ and TEA programs are used to fund bicycle projects throughout the County.

Measure Title: TCM5: Alternative Fuels Program

Measure Description: Alternative Fuels Programs are not defined as TCM's, rather they are mobile source control programs. SJCOG has encouraged the use of alternative fuels in our CMAQ programming process.

Expanded Definitions and Implementation Information

Measure Title: SJC3.9: Encourage Merchants and Employers to Subsidize the Cost of Transit for Employees

Measure Description: This measure provides outreach and possible financial incentives to encourage local employers to provide transit passes or subsidies to encourage less individual vehicle travel.

Responsible Agency for Implementation: City of Lodi

Implementation Schedule: The feasibility of this measure will depend on local employers. The City can encourage the employers to participate. The measure can be studied within 24 months.

Funding Allocated to Measure and Source: The City of Lodi's Transportation and/or General Fund can absorb the staff costs associated with evaluating this measure.

Monitoring: The City of Lodi agrees to provide information to the Air Pollution Control District as requested on this measure to complete the Air District's Annual Report.

Measure Title: SJC5.2: Coordinate Traffic Signal Systems

Measure Description: This measure implements and enhances synchronized traffic signal systems to promote steady traffic flow at moderate speeds.

Responsible Agency for Implementation: City of Lodi

Implementation Schedule: The City of Lodi is currently advertising the Lodi Avenue Signal Interconnect Project. The project should be complete in 2004. No other locations have been identified as needing synchronized traffic signals.

Funding Allocated to Measure and Source: The City of Lodi did not have enough local funds to complete this project, so it applied for and received Congestion Mitigation and Air Quality Funds for the project. The City will continue to evaluate available funding sources for future projects.

Monitoring: The City of Lodi agrees to provide information to the Air Pollution Control District as requested on this measure to complete the Air District's Annual Report.

Measure Title: SJC5.3: Reduce Traffic Congestion at Major Intersections

Measure Description: This measure implements a wide range of traffic control techniques designed to facilitate smooth, safe travel through intersections. These techniques include signalization, turn lanes and/or median dividers. The use of grade separations may also be appropriate for high volume or unusually configured intersections.

Responsible Agency for Implementation: City of Lodi

Implementation Schedule: The feasibility of this measure depends on the time constraints of funding sources. For example, the City of Lodi was able to leverage funding, with the assistance of the San Joaquin Council of Governments, to deliver the Kettleman Lane (Highway 12) Gap Closure ahead of

schedule. This project is currently underway and is expected to be completed in 2004, two years ahead of schedule. Since state and federal funding is required for these projects, the schedules are nearly impossible to predict. In addition to improving congestion at Kettleman Lane and Mills Avenue and Kettleman Lane and Tienda Drive, the project will add dual left-turn lanes at Tienda Drive into the Sunwest Marketplace. The single left-turn lane had historically been a cause for major traffic congestion. Additionally, the City of Lodi has utilized Hazard Elimination and Safety Grants to reduce traffic congestion at other Kettleman Lane locations. The City will continue to evaluate other locations as the needs arise.

Funding Allocated to Measure and Source: The City of Lodi and the San Joaquin Council of Governments have committed Measure K funds to construct this project construction.

Monitoring: The City of Lodi agrees to provide information to the Air Pollution Control District as requested on this measure to complete the Air District's Annual Report.

Measure Title: SJC5.16: Adaptive Traffic Signals and Signal Timing

Measure Description: This measure is self-explanatory.

Responsible Agency for Implementation: City of Lodi

Implementation Schedule: The City of Lodi is currently advertising the Lodi Avenue Signal Interconnect Project. The project should be complete within 2004. No other locations have been identified as needing synchronized traffic signals. Additionally, the City has actuated signals at all but one traffic signal. The last actuated signal at Church and Lockeford Streets does not have funding available. Once funding is identified and appropriated to the project, it can become actuated within six months.

Funding Allocated to Measure and Source: The City of Lodi did not have enough local funds to complete the project so it applied for Congestion Mitigation and Air Quality funds for the project. The City will continue to evaluate locations and evaluate available funding sources for future projects. No available funding exists for an actuated signal at Church and Lockeford Streets.

Monitoring: The City of Lodi agrees to provide information to the Air Pollution Control District as requested on this measure to complete the Air District's Annual Report.

Measure Title: SJC 6.1: Bicycle Racks on Buses

Measure Description: This measure is self-explanatory.

Responsible Agency for Implementation: City of Lodi

Implementation Schedule: The City of Lodi is in the process of trying to acquire a Park and Ride lot along Beckman Road. The City will continue to try and implement Park and Ride lots as funding allows.

Funding Allocated to Measure and Source: This project is utilizing Measure K Park and Ride lot funds as well as a REMOVE grant from the Air District.

Monitoring: The City of Lodi agrees to provide information to the Air Pollution Control District as requested on this measure to complete the Air District's Annual Report.

Measure Title: SJC9.1: Establish Auto Free Zones and Pedestrian Malls

Measure Description: This measure establishes auto-free zones and pedestrian malls where appropriate.

Responsible Agency for Implementation: City of Lodi

Implementation Schedule: The feasibility of this measure has been studied and implemented in the downtown for the weekly Farmers Markets in the summer and for special events on School Street. No other streets have been identified as feasible for auto-free zones, although the City will continue to evaluate streets as development occurs.

Funding Allocated to Measure and Source: Was evaluated as part of the downtown revitalization effort.

Monitoring: The City of Lodi agrees to provide information to the Air Pollution Control District as requested on this measure to complete the Air District's Annual Report.

Measure Title: SJC9.2: Encouragement of Pedestrian Travel

Measure Description: This measure involves encouraging the use of pedestrian travel as an alternative to automobile travel. Pedestrian travel is quite feasible for short shopping, business, or school trips. Promotion of pedestrian travel could be included in air pollution public awareness efforts to remind people of this basic alternative.

Responsible Agency for Implementation: City of Lodi

Implementation Schedule: The feasibility of this measure depends on funding availability. The City annually in the Capital Improvement Plan TDA funds for Bicycle and Pedestrian projects.

Funding Allocated to Measure and Source: The City of Lodi's General Fund covers the engineering costs for evaluating locations for sidewalk installations. \$25,000 of Measure K funds are allocated to sidewalk installations where none exist.

Monitoring: The City of Lodi agrees to provide information to the Air Pollution Control District as requested on this measure to complete the Air District's Annual Report.

Measure Title: SJC9.3: Bicycle/Pedestrian Program

Measure Description: This measure funds high priority projects in countywide plans consistent with funding availability.

Responsible Agency for Implementation: City of Lodi within City of Lodi limits.

Implementation Schedule: The feasibility of this measure depends on funding availability and the street rehabilitation schedule. The Bicycle Master Plan calls for bicycle lanes with street rehabilitations.

Funding Allocated to Measure and Source: The City utilizes gas tax funds and Measure K funds for street rehabilitations and bike lanes. If the gas tax funds and Measure K funds disappear, and no new funding sources are made available, this measure would be economically infeasible.

Monitoring: The City of Lodi agrees to provide information to the Air Pollution Control District as requested on this measure to complete the Air District's Annual Report.

Measure Title: SJC9.4: Close Certain Roads for Use by Non-Motorized Traffic

Measure Description: This measure provides that during special events, weekends, or certain times of day, some roads be closed to all but non-motorized traffic, when/where applicable.

Responsible Agency for Implementation: City of Lodi

Implementation Schedule: The feasibility of this measure has been studied and implemented in the downtown for the Farmers Markets in the summer and for special events on School Street. No other streets have been identified as feasible for auto free zones.

Funding Allocated to Measure and Source: Was evaluated as part of the downtown revitalization effort.

Monitoring: The City of Lodi agrees to provide information to the Air Pollution Control District as requested on this measure to complete the Air District's Annual Report.

Measure Title: SJC9.8: Close Streets for Special Events for Use by Bikes and Pedestrians When/Where Appropriate

Measure Description: This measure is self-explanatory.

Responsible Agency for Implementation: City of Lodi

Implementation Schedule: The feasibility of this measure has been studied and implemented in the downtown for the Farmers Markets in the summer and for special events on School Street. No other streets have been identified as feasible for auto-free zones.

Funding Allocated to Measure and Source: Was evaluated as part of the downtown revitalization effort.

Monitoring: The City of Lodi agrees to provide information to the Air Pollution Control District as requested on this measure to complete the Air District's Annual Report.

Measure Title: SJC10.2: Bicycle Racks on Buses

Measure Description: This measure is self-explanatory.

Responsible Agency for Implementation: City of Lodi

Implementation Schedule: The City of Lodi currently has bicycle racks on all Fixed Route buses. It is not feasible to install these racks on the Dial-A-Ride buses due to the nature of Dial-A-Ride service. The City will continue to install bicycle racks on Fixed Routes buses as acquired, as long as funding remains available to do so.

Funding Allocated to Measure and Source: The City utilizes Transportation Development Act funds and Federal Transit Administration funds to fund Transit operations. Should these funds disappear, and no new funding sources are made available, this measure would be economically infeasible.

Monitoring: The City of Lodi agrees to provide information to the Air Pollution Control District as requested on this measure to complete the Air District's Annual Report.

Measure Title: SJC10.4: Development of Bicycle Travel Facilities

Measure Description: This measure encourages a variety of capital improvements to increase bicycle use.

Responsible Agency for Implementation: City of Lodi within City of Lodi limits.

Implementation Schedule: The feasibility of this measure depend on funding availability, and the street rehabilitation schedule. The Bicycle Master Plan calls for bicycle lanes with street rehabilitations.

Funding Allocated to Measure and Source: The City utilizes gas tax funds and Measure K funds for street rehabilitation and bike lanes. If the gas tax funds and Measure K funds disappear, and no new funding sources are made available, this measure would be economically infeasible.

Monitoring: The City of Lodi agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

Measure Title: SJC14.3: Land Use/Development Alternatives

Measure Description: This measure includes encouraging land use patterns which support public transit and other alternative modes of transportation. In general, this measure would also encourage land use patterns designed to reduce travel distances between related land uses (e.g., residential-commercial). Shorter trip lengths ultimately relieve traffic congestion and improve air quality.

Responsible Agency for Implementation: City of Lodi

Implementation Schedule: The implementation of this measure will depend on how quickly the new Redevelopment Agency in Lodi can help deliver projects. The redevelopment agency is just getting started, since the City has never had one, and it is difficult to predict when we will see projects. However, because the Lodi Station is now completed and is in the heart of the city, the City is encouraging high-density housing and light commercial near the station. The developers, though, will need to be convinced that building housing near the station is the best for all Lodi residents.

Funding Allocated to Measure and Source: The housing development and light commercial construction costs will be borne by the real-estate developers. The City of Lodi will use redevelopment agency funds to pay for staff to encourage land use patterns that will support the Lodi Station.

Monitoring: The City of Lodi agrees to provide annual information to the Air Pollution Control District as requested on this measure to complete the Air District's Annual Report.

Measure Title: SJC15.2: Pedestrian and Bicycle Overpasses Where Safety Dictates

Measure Description: This measure provides for ongoing implementation as development occurs.

Responsible Agency for Implementation: City of Lodi

Implementation Schedule: The feasibility of this measure depends on available funding and working with Union Pacific Railroad and the Public Utilities Commission.

Funding Allocated to Measure and Source: The City of Lodi has identified Century Boulevard as a good location for a pedestrian/bicycle overpass. However, the City has only received \$39,000 for the design of the project. The City needs to find \$105,000 additional funds for design and \$1.2 million for construction.

Monitoring: The City of Lodi agrees to provide information to the Air Pollution Control District as requested on this measure to complete the Air District's Annual Report.

Measure Title: TCM1: Traffic Flow Improvements

Measure Description: The CMAQ program is a major funding source for traffic flow improvements. Ongoing flow improvements include commuter rail, a number of signalization improvements and various corridor improvements.

Responsible Agency for Implementation: City of Lodi

Implementation Schedule: The City of Lodi is currently bidding the Lodi Avenue Signal Interconnect Project. Project should be completed by the end of 2004. No other locations has been identified as needing synchronized traffic signals.

Funding Allocated to Measure and Source: The City of Lodi did not have enough local funds to complete the project so it applied for and received Congestion Mitigation and Air Quality funds for the project. The City will continue to evaluate locations and evaluate available funding sources for future projects.

Monitoring: The City of Lodi agrees to provide information to the Air Pollution Control District as requested on this measure to complete the Air District's Annual Report.

Measure Title: TCM4: Bicycle Programs

Measure Description: CMAQ and TEA programs are used to fund bicycle projects throughout the county.

Responsible Agency for Implementation: City of Lodi

Implementation Schedule: The feasibility of this measure depends on funding availability, and the street rehabilitation schedule. The Bicycle Master Plan calls for bicycle lanes with street rehabilitations.

Funding Allocated to Measure and Source: The City utilized gas tax funds and Measure K funds for street rehabilitations and bike lanes. If the gas tax funds and Measure K funds disappear and no new funding sources are made available, this measure would be economically infeasible.

Monitoring: The City of Lodi agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

Measure Title: TCM5: Alternative Fuels Program

Measure Description: Alternative Fuels Programs are not defined as TCM's, rather they are mobile source control programs. SJCOG has encouraged the use of alternate fuel in our CMAQ programming process.

Responsible Agency for Implementation: City of Lodi

Implementation Schedule: The feasibility of this measure has already been studied. The City of Lodi was required to submit a plan for its heavy-duty buses: Alternative Fuel Path or Zero Emissions Path to the ARB. The City of Lodi chose the Alternative Fuel Path and is in full compliance. Twenty of the City's Twenty-Five Transit Vehicles are CNG-fueled. Additionally, the City of Lodi is working with Lodi Unified School District to acquire CNG buses and build a CNG fueling facility.

Funding Allocated to Measure and Source: The City used CMAQ funds from the Air District and SJCOG to implement this measure. In order to replace existing CNG buses in the future, or to purchase expansion CNG buses, sufficient federal funding will need to be available.

Monitoring: The City of Lodi agrees to provide information to the Air Pollution Control District as requested on this measure to complete the Air District's Annual Report.

RESOLUTION NO. 2004-_____

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING THE
CITY OF LODI'S SUBMITTAL OF REASONABLY AVAILABLE
CONTROL MEASURES (RACM) FOR THE SAN JOAQUIN
VALLEY AIR POLLUTION CONTROL DISTRICT'S 2010 OZONE
ATTAINMENT PLAN

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby
approve the City of Lodi's submittal of Reasonably Available Control Measures (RACM)
for the San Joaquin Valley Air Pollution Control District's (SJVAPCD) 2010 Ozone
Attainment Plan.

Dated: February 18, 2004

=====

I hereby certify that Resolution No. 2004-_____ was passed and adopted by the
Lodi City Council in a regular meeting held February 18, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution Authorizing Submittals of Safe Routes to School Grants to the California Department of Transportation

MEETING DATE: February 18, 2004

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That City Council adopt a resolution authorizing submittals of Safe Routes to School grants to the California Department of Transportation.

BACKGROUND INFORMATION: The City of Lodi has a long tradition of coordination with the Lodi Unified School District to provide needed enhancements to serve the needs of the residents of Lodi. Safe Routes to School coordinates the movement of students to school while actively promoting healthy lifestyles by encouraging alternatives to vehicle travel to school. These grants offer a unique opportunity to improve corridors throughout the City that children access to attend school.

Staff, working together with Lodi Unified School District, proposes to apply for grants at two different locations in Lodi. The first project calls for frontage improvements at Woodbridge Middle School. These improvements would further aid access to Woodbridge Middle School once it reverts to an elementary school following the opening of Millswood School in July 2004. The second grant would be for a new road extending Pacific Avenue to Lodi Avenue at Lodi High School.

Estimated costs for these two grant proposals are:

Woodbridge Frontage Improvements	\$65,000
Pacific Avenue to Lodi Avenue Extension	\$120,000

FUNDING: The Safe Routes to School grant covers 80% of the total project costs. The remaining 20% of the project is the local agency's responsibility. The City is working with the Lodi Unified School District to cover these costs. City matching funds would be from Transportation Development Act funds or Measure K Bicycle/Pedestrian funds.

Vicky McAthie, Finance Director

Richard C. Prima, Jr.
Public Works Director

Prepared by Tiffani M. Fink, Transportation Manager
RCP/TMF/pmf
cc: Finance Director

APPROVED: _____
H. Dixon Flynn, City Manager

RESOLUTION NO. 2004-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AUTHORIZING SUBMITTALS OF SAFE ROUTES TO
SCHOOL GRANTS TO THE CALIFORNIA DEPARTMENT
OF TRANSPORTATION

=====

WHEREAS, Safe Routes to School coordinates the movement of students to school while actively promoting healthy lifestyles by encouraging alternatives to vehicle travel to school; and

WHEREAS, staff working together with Lodi Unified School District proposes to apply for two grants for two locations in the City of Lodi; and

WHEREAS, the proposed projects are as follows:

- 1) Woodbridge Frontage Improvements - aiding access to Woodbridge Middle School; and
- 2) Pacific Avenue to Lodi Avenue Extension – a new road extending Pacific Avenue to Lodi Avenue at Lodi High School.

WHEREAS, these grants offer a unique opportunity to improve corridors throughout the City that children access to attend school.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the submittals of Safe Routes to School Grants to the California Department of Transportation; and

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized and directed to execute grant applications for the Safe Routes to School Grants.

Dated: February 18, 2004

=====

I hereby certify that Resolution No. 2004-_____ was passed and adopted by the Lodi City Council in a regular meeting held February 18, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2004-_____



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution Amending Traffic Resolution 97-148 for Special Reserved Parking and Angled Parking on Portions of Elm Street West of Church Street

MEETING DATE: February 18, 2004

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution amending Traffic Resolution 97-148 Section 3E by authorizing the City Manager to establish special reserved parking for vehicle inspection and/or emergency vehicle parking and approving the angled parking on portions of Elm Street west of Church Street, adjacent to the Police Department at 215 West Elm Street.

BACKGROUND INFORMATION: To provide more timely responses to parking requests, staff recommends amending the Traffic Resolution by authorizing the City Manager to establish special reserved on-street parking for vehicle inspection and/or emergency vehicle parking. This concept has been used to modify the time limit restrictions Downtown with successful results. If approved, the intent is to install two vehicle inspection parking spaces in front of the new Police Department, as requested by the Police Chief. Currently, there are five spaces on the south side of Elm Street designated for emergency vehicle and/or vehicle inspection parking. Since these spaces are no longer needed, they will be changed to all-day parking.

The Police Chief has also requested a passenger-loading zone and time limit parking in front of the Police Department. These changes can be implemented without City Council approval. The Police Department will provide enforcement by extending their existing Downtown enforcement routes. In addition, the Police Chief has requested angled parking be installed adjacent to the Police Department, as shown on Exhibit A. The Fire Chief was notified and does not object to the angled parking, since it does not affect the Fire Station's Elm Street access.

FUNDING: Police Building Project Account

Vicky McAthie, Finance Director

Jerry Adams
Police Chief

Richard C. Prima, Jr.
Public Works Director

Prepared by Paula J. Fernandez, Senior Traffic Engineer

RCP/PJF/pmf

Attachment

cc: Interim City Attorney
Lt. Bill Barry

Police Chief
Street Superintendent

Fire Chief
Senior Traffic Engineer

APPROVED: _____
H. Dixon Flynn, City Manager

RESOLUTION NO. 2004-_____

A RESOLUTION OF THE LODI CITY COUNCIL AMENDING
TRAFFIC RESOLUTION NO. 97-148 ESTABLISHING
SPECIAL RESERVED PARKING AND ANGLED PARKING
SPACES ON PORTIONS OF ELM STREET WEST OF
CHURCH STREET

=====

BE IT RESOLVED, that the City Council of the City of Lodi does hereby approve Special Reserved Parking and Angle Parking on portions of Elm Street west of Church Street; and

BE IT FURTHER RESOLVED, that the City of Lodi Traffic Resolution No. 97-148, Section 3E relating to Special Parking Reserved Areas is hereby amended by authorizing the City Manager to establish two (2) special reserved on-street parking spaces for vehicle inspection and/or emergency vehicle parking in front the new Police facility located at 215 West Elm, as shown on Exhibit A attached; and

BE IT FURTHER RESOLVED, that the City of Lodi Traffic Resolution No. 97-148, Section 4 "Angle-Parking Areas" is hereby amended by authorizing the City Manager to establish angled parking on portions of Elm Street west of Church Street, adjacent to the Police Department as shown on Exhibit A attached and made a part hereof.

Dated: February 18, 2004

=====

I hereby certify that Resolution No. 2004-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 18, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS -

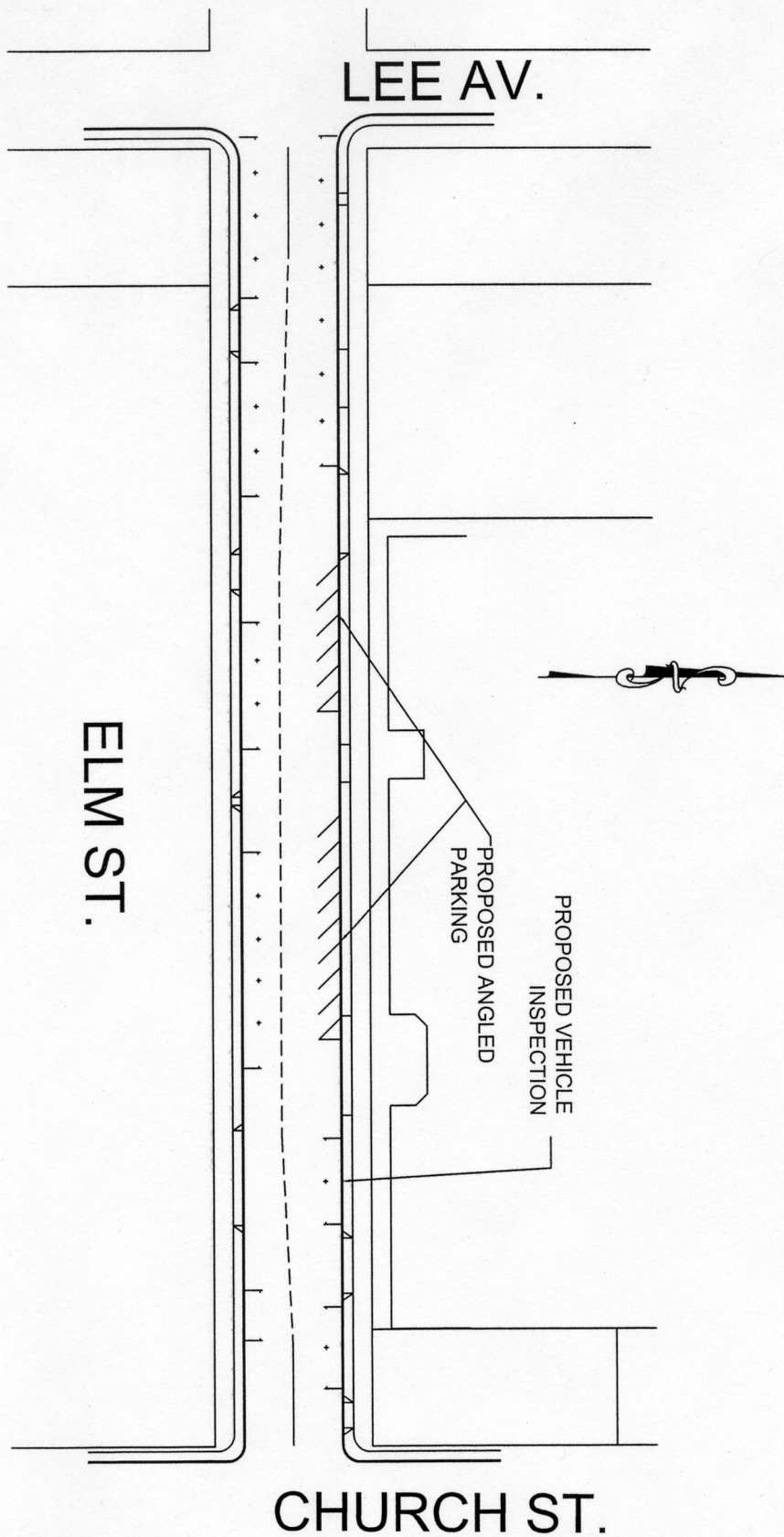
ABSENT: COUNCIL MEMBERS -

ABSTAIN: COUNCIL MEMBERS -

SUSAN J. BLACKSTON
City Clerk

2004-_____

EXHIBIT A





CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Directing the City Clerk to Prepare Ordinance Summaries for Publication Pursuant to California Government Code §36933

MEETING DATE: February 18, 2004

PREPARED BY: City Clerk

RECOMMENDED ACTION: That Council adopt a resolution directing the City Clerk to prepare ordinance summaries for publication pursuant to California Government Code §36933.

BACKGROUND INFORMATION: California Government Code §36933 requires the City Clerk to publish each ordinance within 15 days after its passage, along with the names of those City Council Members voting for and against the ordinance, in a newspaper of general circulation published and circulated in the City.

As an alternate to publishing the full text of an ordinance, the City Council may also satisfy the publication requirement of Government Code §36933 by taking the following recommended actions:

1. Designate the City Clerk to prepare a summary of the proposed ordinance;
2. Publish the summary in a newspaper and post a certified copy of the full text of the proposed ordinance in the Office of the City Clerk at least five days prior to the City Council meeting, at which the proposed ordinance is to be adopted; and
3. Within 15 days after the adoption of the ordinance, publish the summary of the ordinance, along with the names of the City Council Members voting for and against the ordinance, and post the full text of the ordinance, along with the names of the City Council Members voting for and against the ordinance in the Office of the City Clerk.

In the past six months alone, the City has spent approximately \$4,700 publishing the full text of ordinances in the Lodi News-Sentinel. It would be more economical for the City to publish summaries of ordinances, and it is, therefore, recommended that the City Council adopt the attached resolution directing the City Clerk to prepare ordinance summaries for publication pursuant to California Government Code §36933.

FUNDING: Reduction in cost for publishing ordinances.

Susan J. Blackston
City Clerk

SJB/JMP

APPROVED: _____
H. Dixon Flynn, City Manager

RESOLUTION NO. 2004-_____

A RESOLUTION OF THE LODI CITY COUNCIL
DIRECTING THE CITY CLERK TO PREPARE
ORDINANCE SUMMARIES FOR PUBLICATION
PURSUANT TO CALIFORNIA GOVERNMENT
CODE SECTION 36933

=====

WHEREAS, California Government Code Section 36933 requires the City Clerk to publish each ordinance within 15 days after its passage, along with the names of those City Council members voting for and against the ordinance, in a newspaper of general circulation published and circulated in the City; and

WHEREAS, as an alternate to publishing the full text of an ordinance, the City Council may also satisfy the publication requirement of Government Code Section 36933 by taking the following actions:

1. Designate an official to prepare a summary of the proposed ordinance,
2. Publish this summary in a newspaper and post a certified copy of the full text of the proposed ordinance in the Office of the City Clerk at least five days prior to the City Council meeting at which the proposed ordinance is to be adopted, and
3. Within fifteen (15) days after the adoption of the ordinance, publish the summary of the ordinance along with the names of the City Council members voting for and against the ordinance, and post the full text of the ordinance along with the names of the City Council members voting for and against the ordinance in the Office of the City Clerk;

WHEREAS, it is often more economical and efficient for the City to publish summaries of ordinances, rather than complete ordinances; and

WHEREAS, the publication of ordinance summaries provides adequate notice to the public of the legislative actions being taken by the City Council.

NOW, THEREFORE, BE IT RESOLVED, ORDERED, AND FOUND by the City Council of the City of Lodi that:

1. The foregoing recitals are true and correct.
2. The City Clerk shall be the city official designated to prepare summaries of ordinances for publication, pursuant to Government Code section 36933(c)(1).
3. The City Clerk shall, when it is efficient and practical to do so, publish summaries of ordinances in the manner prescribed by Government Code section 36933(c)(1).
4. When deemed necessary by the City Clerk, the City Clerk may publish the full text of ordinances in the manner prescribed by Government Code section 36933(a).

Dated: February 18, 2004

=====

I hereby certify that Resolution No. 2004-_____ was passed and adopted by the Lodi City Council in a regular meeting held February 18, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2004-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Set a Public Hearing for March 3, 2004, to consider and approve community input and proposals for uses of the City's 2004/05 Federal allocation of Community Development Block Grant (CDBG) and HOME Program Funds and the reallocation of available funds from previous program years

MEETING DATE: February 18, 2004

PREPARED BY: Community Development Director

RECOMMENDED ACTION: That the City Council set a public hearing for March 3, 2004, to consider and approve potential uses of Federal funds received through the CDBG and HOME Programs for the 2004/05 fiscal year.

BACKGROUND INFORMATION: The Community Development Department anticipates that the City will be receiving \$836,133 in CDBG funds and \$292,556 in HOME funds from the Federal government for the coming fiscal year. The CDBG funds can be used for a wide range of community development projects as long as they meet one of the National Objectives. Those objectives are: 1) To address the needs of low to moderate income persons; 2) To eliminate slum or blighted conditions; and, 3) To resolve an urgent need. The HOME funds are reserved for housing and housing related activities such as rehabilitation and new construction. Activities undertaken with HOME funds also must meet the needs of low to moderate income persons.

FUNDING: Federal Community Development Block Grant funds and HOME funds.

Vicky McAthie, Finance Director

Konradt Bartlam
Community Development Director

KB/jw

cc: Karen Stevens, SJC Community Development

APPROVED: _____
H. Dixon Flynn, City Manager



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Set Public Hearing for March 17, 2004, to Consider Redesign Concept for C-Basin (Pixley Park) and the Exchange of Properties with GREM, Inc., to Allow the Relocation of C-Basin and Refer the Matter to the Planning Commission

MEETING DATE: February 18, 2004

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council set a public hearing for March 17, 2004, to consider the redesign concept for C-Basin (Pixley Park) and the exchange of properties with GREM, Inc., to allow the relocation of C-Basin (Pixley Park) and refer the matter to the Planning Commission.

BACKGROUND INFORMATION: The present design concept and approximate 26-acre configuration for C-Basin was established by the Council on September 28, 1988. In addition to the recreation component, the park is required to store 131 acre-feet of storm drainage runoff. The Park, Recreation and Open Space Plan adopted by the Council on January 19, 1994, designates the site as a 43.7-acre major sports field complex for adult softball, soccer and tennis. The Plan identifies a need to acquire an additional 17.7 acres at this site. However, in subsequent action, the Council decided not to acquire additional vacant land to the east.

Recreation needs in the area have recently refocused upon development of an adult tournament softball complex. Due to the longer field dimensions and parking needs required for tournament play, the present site configuration does not lend itself to that type of use. The present site will accommodate only three softball fields. The proposed redesigned park/basin concept plan being recommended for Council approval will provide four softball fields with expanded parking and spectator areas. The storm drainage storage requirement can be met with either site configuration. The proposed concept plan was approved by the Parks and Recreation Commission at their December 2, 2003, meeting.

An exchange of property requested by GREM, Inc., would facilitate the proposed concept plan. The proposed exchange would provide a reconfigured City of Lodi park/basin site having essentially the same area as the current site but superior dimensions for development of the adult tournament softball complex. The existing property lines, acreage and ownership for the properties affected by the proposed exchange are shown on Exhibit A. The proposed property lines, acreage and ownership after the exchange are shown on Exhibit B. The property lines and acreage of the land to be exchanged are shown on Exhibit C. The slight differential in the land exchange results from a combination of City standard design criteria for Auto Mall Drive and fixed intersection locations at Beckman Road and Pixley Parkway.

APPROVED: _____
H. Dixon Flynn, City Manager

To facilitate the proposed land exchange process, GREM, Inc., at its expense and with direction and review by City staff, has provided the proposed park/basin concept plan. In addition, as part of the land exchange, GREM, Inc., will construct improvements, at its expense, at the new site and deliver to the City a rough-graded site that will be superior to the existing basin because the entire site will be graded. The following requirements have been agreed upon by GREM, Inc., and the related improvements are diagrammatically shown on Exhibit D:

1. Provide engineered improvement plans, specifications, construction cost estimates and a current geotechnical report for all required improvements, all in conformance with City of Lodi Public Improvement Design Standards.
2. Perform rough grading construction for the entire park/basin site to final design grades.
3. Construct basin inlet piping from east of Beckman Road to the new basin.
4. Construct basin outlet structure.
5. Construct perimeter fencing around the entire site.
6. Dedicate street and public utility easements on Auto Mall Drive.
7. Install full street frontage improvements (curb, gutter, sidewalk, driveways, utilities, street lighting and asphalt concrete pavement) in Auto Mall Drive.

GREM, Inc., has also agreed to perform the following services with cost reimbursement by the City from the Storm Drainage and Parks and Recreation Impact Mitigation Fee funds:

1. Prepare engineered plans, specifications, and construction cost estimates for the future storm drainage pump station and inlet structure to allow discharge from the basin to Cluff Avenue.
2. Prepare slope erosion protection, turf and irrigation plans, specifications and construction cost estimates for the entire Pixley Park site.
3. Construct a temporary inlet channel from Auto Mall Drive to the basin.

In addition to the City improvements described above, staff will discuss with the City Council the displacement of the model airplane club facilities at Pixley Park. With continued development of the adjacent property, this use is less viable at this location.

State law regarding disposition or acquisition of park land requires a finding as to General Plan conformity by the Planning Commission, which is scheduled for February 25, 2004.

Staff will return to Council at a later date for approval of the improvement agreement(s) covering the installation of the park site and other public improvements and appropriation of funds for any applicable reimbursements.

FUNDING: Not applicable.

Richard C. Prima, Jr.
Public Works Director

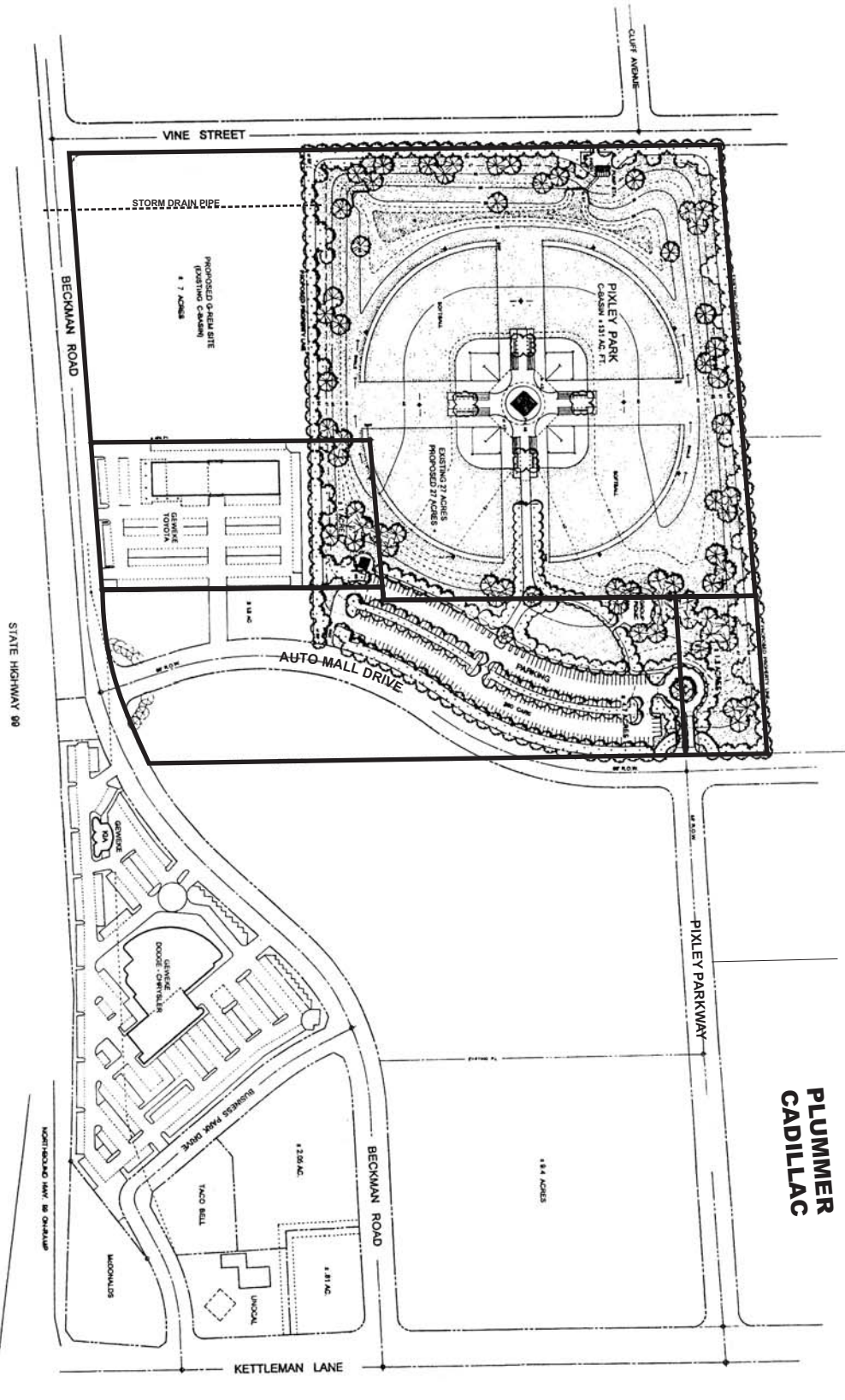
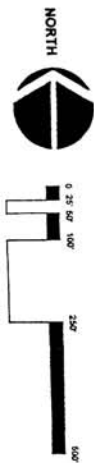


CITY OF LODI

PUBLICWORKSDEPARTMENT

EXHIBIT A

EXISTING LOT LINES



**PLUMMER
CADILLAC**

CONCEPTUAL MASTER PLAN
Pixley Park - Geweke Auto Mall
G-REM, INC.
City of Lodi California
Lawrence A. Nordstrom, ASLA Landscape Architect
July 2003

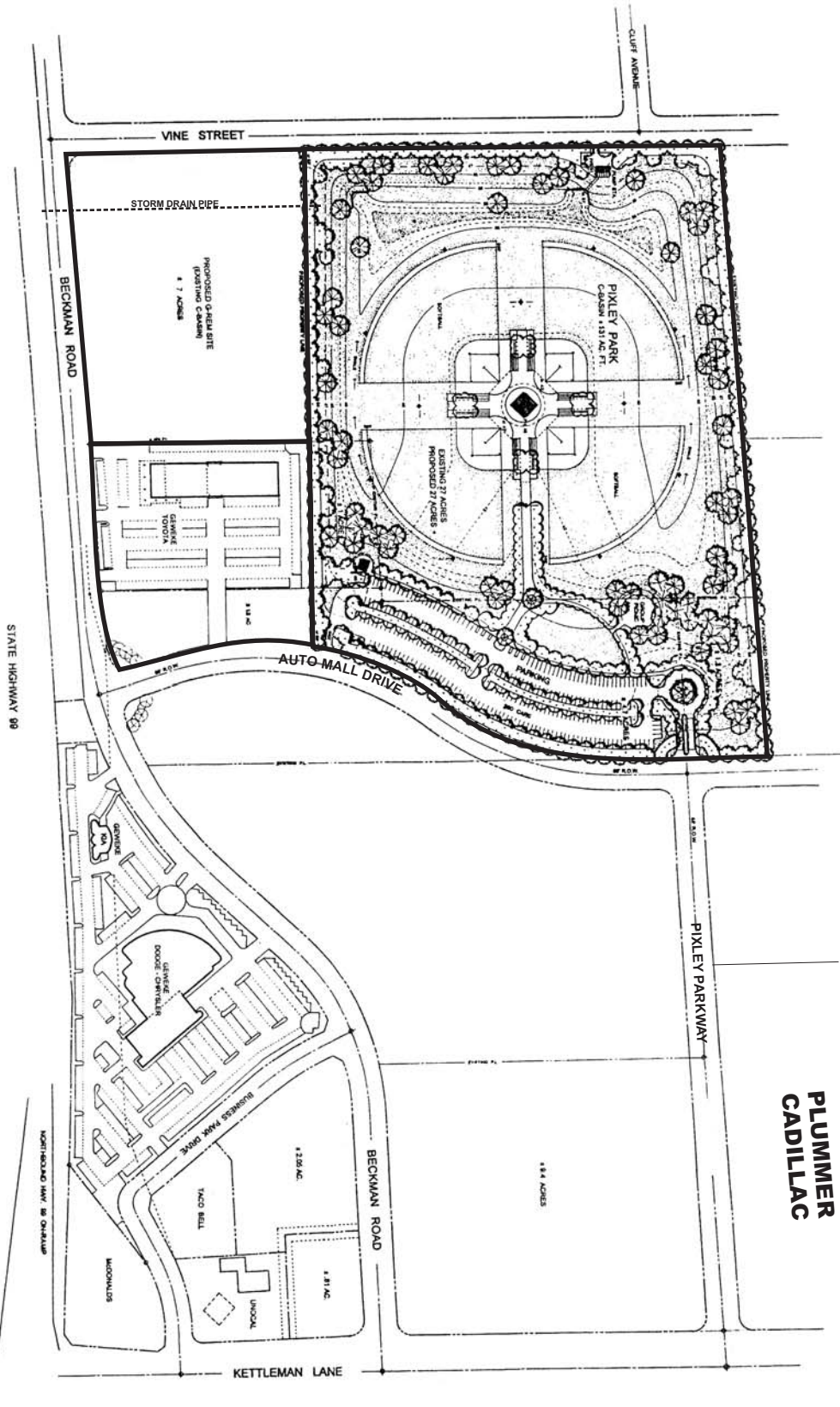
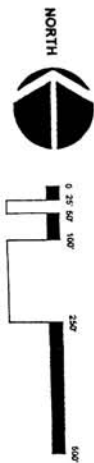


CITY OF LODI

PUBLIC WORKS DEPARTMENT

EXHIBIT B

PROPOSED LOT LINE



CONCEPTUAL MASTER PLAN
Pixley Park - Geweke Auto Mall
G-REM, INC.
City of Lodi California
Lawrence A. Nordstrom, ASLA Landscape Architect
July 2003

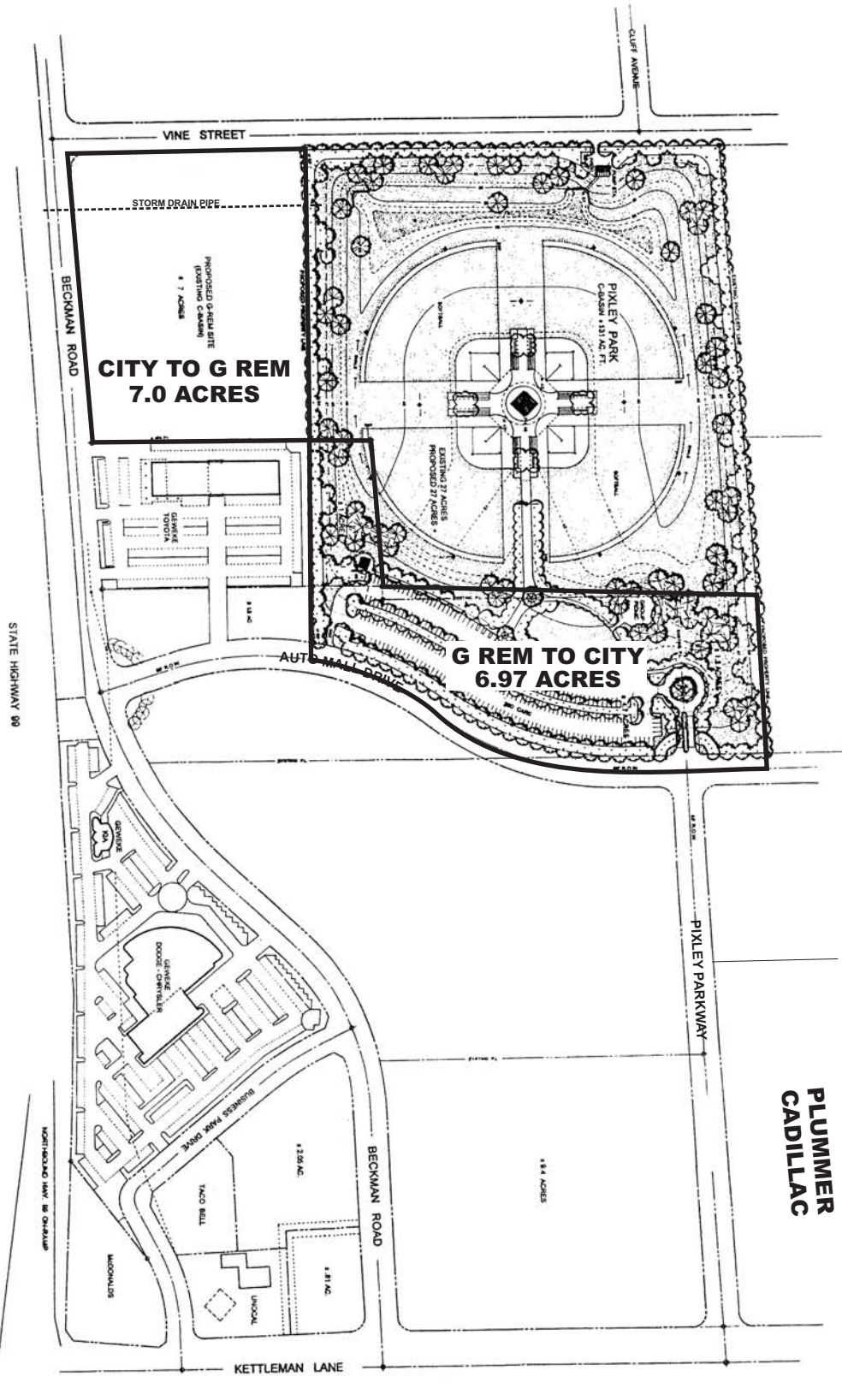
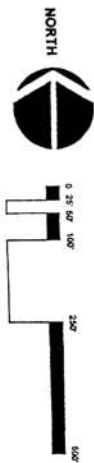


CITY OF LODI

PUBLIC WORKS DEPARTMENT

EXHIBIT C

LAND EXCHANGE



CONCEPTUAL MASTER PLAN

Pixley Park - Geweke Auto Mall

G-REM, INC.
City of Lodi California
Lawrence A. Nordstrom, ASLA Landscape Architect
July 2003

PLUMMER
CADILLAC



CONCEPTUAL MASTER PLAN
Pixley Park - Geweke Auto Mall
G-REM, INC. City of Lodi California July 2003
Lawrence A. Norstrom, ASLA Landscape Architect

Comments by the public on non-agenda items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to Consider Reimbursement Agreement RA-03-04 Establishing an Area of Benefit and Reimbursable Costs for Developer-Funded Public Improvements for the Harney Lane Sanitary Sewer Lift Station and Sanitary Sewer Trunk Line

MEETING DATE: February 18, 2004

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council conduct a public hearing to consider Reimbursement Agreement RA-03-04 for the Harney Lane Sanitary Sewer Lift Station establishing an area of benefit and reimbursable costs for developer-funded public improvements for the Harney Lane Sanitary Sewer Lift Station and Sanitary Sewer Trunk Line.

BACKGROUND INFORMATION: As a condition of development, the developer of the Century Meadows One, Unit 2 subdivision, K & W Development, LLC, was required to install the Harney Lane Sewer Lift Station and a sanitary sewer trunk line to provide sewer service for the subdivision project. To fulfill this requirement, the developer entered into an improvement agreement entitled "Improvement Agreement for the Public Improvements for the Harney Lane Sanitary Sewer Lift Station", approved by City Council on December 4, 2002, to construct the Harney Lane Sanitary Sewer Lift Station at the southeast corner of Harney Lane and Mills Avenue and a sanitary sewer trunk line in Harney Lane between Mills Avenue and the Woodbridge Irrigation District canal. The lift station force mains and other related improvements in Mills Avenue and at the Mills Avenue/Harney Lane intersection were installed with the Century Meadows Three, Unit 5 development. Partial reimbursement for the cost of those improvements was provided directly to the developer of that subdivision, Harney Development, LLC, by the property owners south of Harney Lane (Fink Group) in conformance with the agreement between the City and the Fink Group dated November 19, 1992. The balance of the costs was reimbursed to the developer by the City. The City was subsequently reimbursed for those City-funded costs by K & W Development, LLC, at the time of approval of the above-mentioned lift station improvement agreement. The total improvements installed in conjunction with the lift station project are shown on Exhibit 1.

The lift station, force mains and sewer trunk line will serve the developer's subdivision, as well as other properties in the Harney Lane Lift Station Service Area. In conformance with Chapter 16.40 of the Lodi Municipal Code (LMC), the developer has requested a reimbursement agreement and establishment of an area of benefit for those improvements that benefit other properties in the Harney Lane Lift Station Service Area. A copy of the reimbursement agreement is attached as Exhibit 2. The Harney Lane Lift Station Service Area and benefit areas are shown on Exhibit A of the agreement, and the final total costs for the improvements and fair share obligation for the benefiting properties are shown on Exhibit B.

The benefit area has been divided into two zones, A and B, as shown on Exhibit A. The reimbursable costs for Zone A include the lift station and associated force main improvements in Mills Avenue, as well as the sewer trunk line in Harney Lane. Reimbursable costs for Zone B include only the lift station and associated force main improvement costs. The fair-share obligation for each property within each zone is shown on Exhibit B. The lift station costs are prorated based on the proportion of the parcel acreage to the total acreage

APPROVED: _____
H. Dixon Flynn, City Manager

of the total benefit area, Zones A and B (225.58 acres). The sewer trunk line costs are prorated based on the proportion of the parcel acreage to the total acreage of Zone A (62.1 acres).

The reimbursable costs shown on Exhibit A include future lift station improvements (curb, gutter, sidewalk, masonry wall and landscaping). Since the properties adjacent to the lift station site are outside the City limits and currently have no street frontage improvements, the street frontage improvements for the lift station site have been deferred until the adjacent properties develop. Under the terms of the reimbursement agreement, the developer has agreed that the cost of those improvements, including engineering and administration fees, engineering plan check fees and engineering inspection fees, will be deposited with the City from reimbursement charges collected from benefiting properties before any reimbursement payments are made to the developer. The costs shown on Exhibit B also include over-sizing costs to provide service to the portion of the lift station service area south of Harney Lane. The over-sizing costs have been paid directly to the developer by those property owners (Fink Group) in conformance with the agreement between the City and the Fink Group dated November 19, 1992. Those costs have, therefore, been deducted from the total construction costs and are not included in the reimbursable costs. The total reimbursable costs for the Harney Lane Sanitary Sewer Lift Station and Sanitary Sewer Trunk Line as shown on Exhibit B are \$766,133.75 and \$121,676.13, respectively.

Under the terms of the reimbursement agreement, in the event that a benefiting property develops, the City shall collect the appropriate reimbursement charges from the developers of the benefiting property and reimburse the developer for a period of fifteen (15) years from the date of the agreement in conformance with LMC §16.40.060 and §16.40.070. Development is defined in LMC §16.40.060 as any one of the following:

1. Connection to the utility covered by the reimbursement agreement
2. Filing of a final subdivision map
3. Filing of a final parcel map, unless installation of public improvements is waived or deferred
4. Issuance of a building permit

The affected property owners within the Harney Lane Lift Station Service Area have been notified. The developer has paid the appropriate application fee and the fees to cover the cost of recording the reimbursement agreement. In conformance with LMC §16.40, staff recommends that Council conduct a public hearing and establish an area of benefit and reimbursable costs to recover the cost of the Harney Lane Sanitary Sewer Lift Station and Sanitary Sewer Trunk Line covered under Reimbursement Agreement RA-03-04.

Pursuant to LMC §16.40.50.A.3, the reimbursable amounts shall be recalculated annually to include an amount attributable to interest, using the Engineering News Record (ENR) 20 Cities Construction Cost index. Similar adjustments to the reimbursable costs will be made each January until payment is received. The initial ENR index to be used in the calculation is 6581. In the event that the benefiting properties develop, the City will collect the appropriate amounts from the developers of the benefiting properties and reimburse the developer in conformance with LMC §16.40.060 and §16.40.070.

FUNDING: Applicant fees and reimbursement fees collected from future developments.

Richard C. Prima, Jr.
Public Works Director

Prepared by Lyman Chang, Associate Civil Engineer
RCP/LC/pmf
Attachments
cc: Senior Civil Engineer – Development Services
K & W Development, LLC
Baumbach & Piazza

RESOLUTION NO. 2004-_____

A RESOLUTION OF THE LODI CITY COUNCIL ESTABLISHING
AN AREA OF BENEFIT AND REIMBURSABLE COSTS FOR
DEVELOPER-FUNDED PUBLIC IMPROVEMENTS FOR THE
HARNEY LANE SANITARY SEWER LIFT STATION AND
SANITARY SEWER TRUNK LINE

=====

WHEREAS, as a condition of development, the Developer of the Century Meadows One, Unit 2 Subdivision, K & W Development, LLC, was required to install the Harney Lane Sewer Lift Station and a Sanitary Sewer Trunk Line to provide sewer service for the subdivision project; and

WHEREAS, the Developer entered into an Improvement Agreement with the City entitled "Improvement Agreement for the Public Improvements for the Harney Lane Sanitary Sewer Lift Station," approved by the City Council on December 4, 2002, to construct the Harney Lane Sanitary Sewer Lift Station at the southeast corner of Harney Lane and Mills Avenue and a sanitary sewer trunk line in Harney Lane between Mills Avenue and the Woodbridge Irrigation District Canal. The lift station force mains and other related improvements in Mills Avenue and at the Mills Avenue/Harney Lane intersection were installed with the Century Meadows Three, Unit 5 development. Partial reimbursement for the cost of those improvements was provided directly to the developer of that subdivision, Harney Development, LLC, by the property owners south of Harney Lane (Fink Group) in conformance with the agreement between the City and the Fink Group dated November 19, 1992. The balance of the costs was reimbursed to the developer by the City. The City was subsequently reimbursed for those City-funded costs by K & W Development, LLC, at the time of approval of the above-mentioned lift station improvement agreement. The total improvements installed in conjunction with the lift station project are shown on Exhibit 1 attached.

WHEREAS, in conformance with Lodi Municipal Code (LMC) Section 16.40, staff recommends that the City Council conduct a public hearing to establish an area of benefit and reimbursable costs to recover the costs for those improvements that benefit other properties in the Harney Lane Lift Station Service Area. A copy of the Reimbursement Agreement is attached as Exhibit 2. The Harney Lane Lift Station Service Area and benefit areas are shown on Exhibit A of the Agreement, and the final total costs for the improvements and fair share obligation for the benefiting properties are shown on Exhibit B of the Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that:

- a) The City Council hereby establishes an area of benefit and reimbursable costs to recover the costs for developer-funded public improvements for the Harney Lane Sanitary Sewer Lift Station and Sanitary Sewer Trunk Line. The reimbursable costs for each property are shown on Exhibit B attached and shall be collected at the time of development for each parcel; and
- b) Pursuant to LMC Section 16.40.50.A.3, the reimbursable amounts will be recalculated annually to include an amount attributable to interest, using the Engineering News Record (ENR) 20 Cities Construction Cost Index. Similar adjustments to the reimbursable costs will be made each January until payment is received. The beginning ENR index will be 6581.

- c) In the event that the benefiting properties develop, the City will collect the appropriate amounts from the developers of the benefiting properties and reimburse the developer in conformance with LMC §16.40.060 and §16.40.070.

Dated: February 18, 2004

=====

I hereby certify that Resolution No. 2004-_____ was passed and adopted by the Lodi City Council in a regular meeting held February 18, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

Susan J. Blackston
City Clerk



CITY OF LODI

PUBLICWORKSDEPARTMENT

EXHIBIT 1

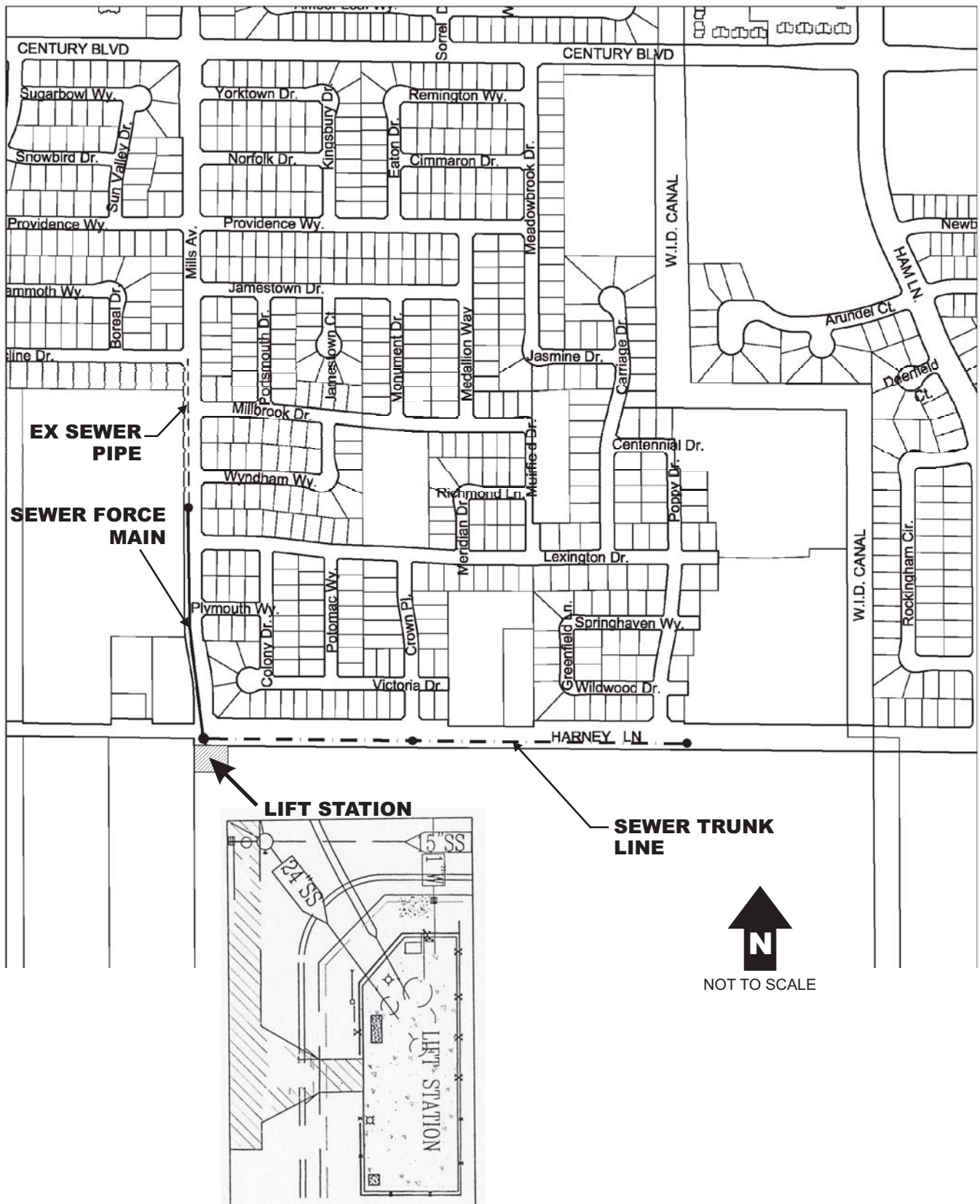


EXHIBIT 2

WHEN RECORDED, RETURN TO:

City Clerk
City of Lodi
221 West Pine Street
Lodi, CA 95240

REIMBURSEMENT
for
HARNEY LANE SANITARY SEWER LIFT STATION

AGREEMENT # RA-03-04

THIS AGREEMENT is made by and between the CITY OF LODI, hereinafter referred to as "City", and K & W DEVELOPMENT, LLC, hereinafter referred to as "Applicant".

RECITALS:

WHEREAS, Applicant is the developer of Century Meadows One, Unit 2, Tract No. 2786 subdivision and has entered into an Improvement Agreement with the City dated December 30, 2002 to construct public improvements needed to serve the development, and

WHEREAS, as a condition of development for the Century Meadows One, Unit 2 subdivision, Applicant was required to install, at Applicant's expense, the Harney Lane Sewer Lift Station, including street frontage improvements (curb, gutter and sidewalk) on Harney Lane and Mills Avenue, the lift station enclosure (masonry wall) and landscaping and irrigation for the lift station site, to provide sewer service for the project; and

WHEREAS, Applicant entered into a separate agreement with the City entitled "Improvement Agreement for the Public Improvements for the Harney Lane Sanitary Sewer Lift Station" approved by the City Council on December 4, 2002; and

WHEREAS, the Applicant has constructed the Harney Lane sewer lift station and associated sanitary sewer trunk line east of Mills Avenue that will serve additional properties that are designated and shown on the plan attached and labeled Exhibit A to this agreement and indicated thereon; and

WHEREAS, the Applicant is responsible for the installation of street improvements (curb, gutter and sidewalk), construction of the lift station enclosure (masonry wall) and installation of landscaping and irrigation at the lift station site, which improvements have not been completed at this time; and

WHEREAS, the Applicant has filed a request with the Public Works Director in conformance with Chapter 16.40 of the Lodi Municipal Code requesting reimbursement for those improvements which benefit other property or would be required of those properties upon development; and

WHEREAS, the property owners of those properties shown in Exhibit A have been notified and the City Council has conducted a public hearing regarding the Applicant's request for reimbursement.

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained and pursuant to Government Code Sections 66485 through 66489 and Title 16 of the Lodi Municipal Code, it is hereby agreed between the parties as follows:

1. The amount of the reimbursable costs due to the Applicant includes construction costs less any applicable credits plus ten percent (10%) for engineering and administration,

engineering design costs, engineering plan check fees, engineering inspection fees (2.5%) and the reimbursement application fee (1%). Total construction costs and costs attributable to the Benefit Area are shown on attached Exhibit B.

2. The reimbursable amount shall be recalculated annually to include an amount attributable to interest, using the Engineering News Record (ENR) 20 Cities Construction Cost Index. On uncollected reimbursements, the reimbursement rates shall be calculated in January of each year beginning January 2005 by the following formula:
$$(\text{ENR Jan. 1 of current year}) \div (\text{initial ENR}) \times (\text{Balance due Jan. 1 of prior year less payments made during the previous year})$$

The initial ENR index for this agreement is 6581. The initial reimbursable amounts are shown on Exhibit B.

3. In the event that the benefiting properties shown on Exhibit A develop, the City shall collect the appropriate charges from the developers of the benefiting property and reimburse the Applicant or the Applicant's heirs, successors or assigns, for a period of fifteen (15) years from the date of this agreement in conformance with LMC 16.40.060 and 16.40.070.
4. To fulfill Applicant's responsibility for the installation of street improvements (curb, gutter and sidewalk), construction of the lift station enclosure (masonry wall) and installation of landscaping and irrigation at the lift station site in the future, the cost of those improvements will be deposited with the City from reimbursement charges collected from benefiting properties before any reimbursement payments are made to Applicant. The monies so deposited will be used as determined by the City for the future installation of those improvements. The estimated cost of the improvements is \$99,066.00 as shown on Exhibit C.
5. The Applicant shall pay the City \$5,782.06 for the preparation of this agreement prior to approval and recording of this agreement. This fee is based on one percent (1%) of the total reimbursable construction costs, excluding engineering, administrative and other costs.
6. Upon each collection of reimbursement charges, an administrative charge shall be deducted and retained by the City for administering the reimbursement provisions of this agreement. This charge shall be established from time to time by resolution of the City Council. As of the date of this agreement, the current charge is \$60.00. The actual administration charge to be paid will be that in effect at the time of collection.
7. This agreement shall inure to the benefit of the heirs, successors and assigns of the Applicant. The City shall mail the reimbursement to the last address of the Applicant on file with the Public Works Director of the City. In the event a reimbursement is returned or unclaimed after two (2) years from the date of mailing, the amount of the reimbursement shall revert to the City and be deposited in the appropriate development impact mitigation fee fund.
8. All correspondence and payments herein required shall be in writing, and delivered in person or sent by registered mail, postage prepaid.

Correspondence and payments to City shall be addressed as follows:

Richard C. Prima, Jr.
Public Works Director

221 West Pine Street
P. O. Box 3006
Lodi, CA 95241-1910

Correspondence and payments to Applicant shall be addressed as follows:

9. This agreement is entered into pursuant to the provisions of Title 16 of the Lodi Municipal Code and the provisions of that section shall be deemed a part of this agreement.

IN WITNESS WHEREOF, the Applicant and the City have caused their names to be hereunto affixed and the City of Lodi has caused its corporate name and seal to be hereunto affixed by its proper officers thereunto duly authorized.

K & W DEVELOPMENT, LLC

Date

(CORPORATE SEAL)

CITY OF LODI, A MUNICIPAL CORPORATION

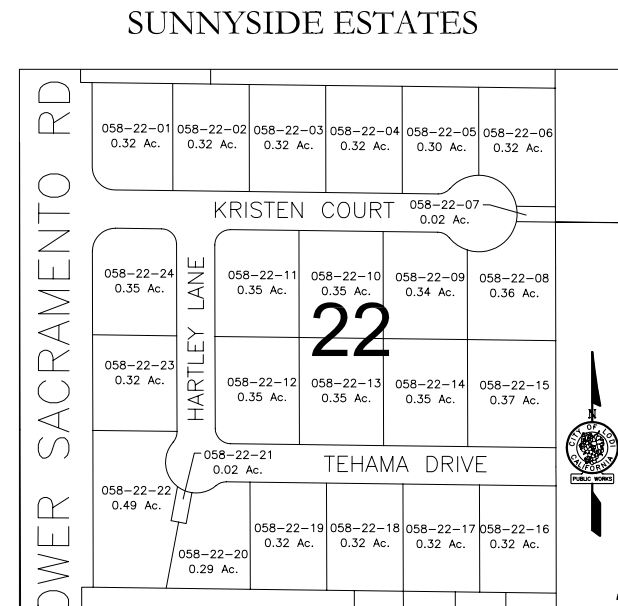
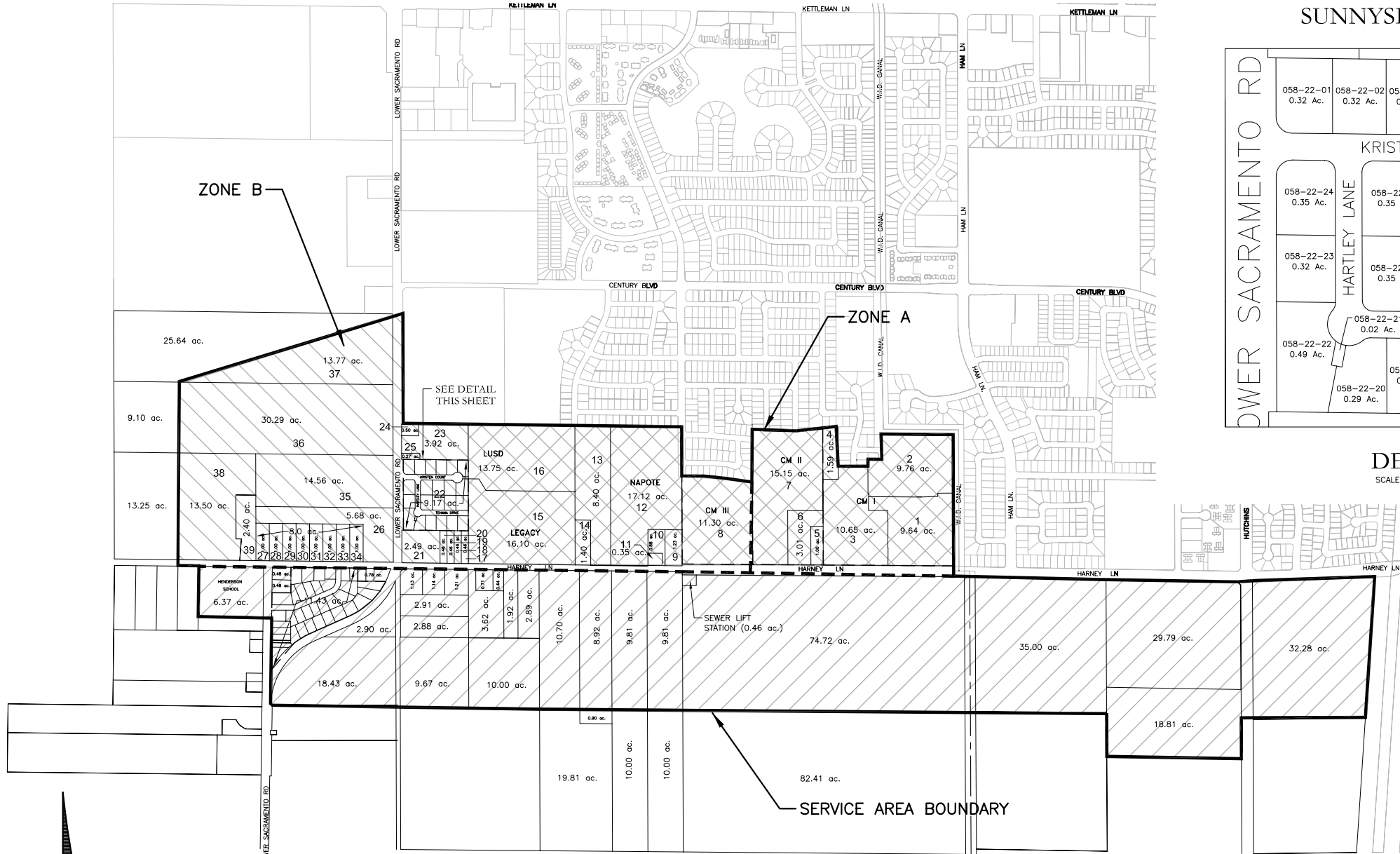
By: _____ Date _____
Dixon H. Flynn, City Manager

ATTEST:

Susan J. Blackston, City Clerk Date _____

APPROVED AS TO FORM:

D. Stephen Schwabauer, Interim City Attorney



DETAIL
SCALE 1" = 100'

Site No.	APN No.
1	058-210-27
2	058-210-28
3	058-210-26
4	058-210-25
5	058-210-04
6	058-210-03
7	058-210-19
8	058-210-29
9	058-230-21
10	2017 W Harney
11	2031 W Harney
12	058-230-22
13	058-230-13
14	058-230-14
15	058-230-12
16	058-230-11
17	058-230-09
18	058-230-08
19	058-230-07
20	058-230-06
21	058-230-10
22	058-220-01 to 058-220-06 058-220-08 to 058-220-24
23	058-230-03
24	058-230-05
25	058-230-04
26	058-040-05
27	058-040-06
28	058-040-07
29	058-040-08
30	058-040-09
31	058-040-10
32	058-040-11
33	058-040-12
34	058-040-13
35	058-040-04
36	058-040-02
37	058-040-01
38	058-040-14
39	058-040-15



- SERVICE AREA
- SUBDIVISION (PROPOSED/EXISTING)
- DEVELOPMENT BY 2011
- DEVELOPMENT BEYOND 2011
- FINK GROUP (SOUTH OF HARNEY LANE)



CAUTION
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NO.	REVISIONS	DATE	BY	DESIGN	DATE	CHKD	DATE	RECORD	DATE



CITY OF LODI
PUBLIC WORKS DEPARTMENT

HARNEY LANE SEWER LIFT STATION
SERVICE AREA

PLAN SET	THRU
PRINT DATE	
DRAWING	

EXHIBIT A

City of Lodi
Public Works Department

Project: Harney Lane Lift Station

Engineer: Baumbach and Piazza

	<u>Lift Station</u>	<u>Trunk Line</u>	<u>Total</u>
Construction Cost	\$ 503,618.00	\$ 115,235.90	\$ 618,853.90
Contract Change Order	\$ 20,509.71	\$ (777.17)	\$ 19,732.54
Future Curb, Gutter and Sidewalk (225 LF @ \$36.00/LF)	\$ 8,100.00		\$ 8,100.00
Future Wall and Landscaping	\$ 78,800.00		\$ 78,800.00
10% Engineering and Administration	\$ 48,670.64	\$ 9,149.91	\$ 57,820.55
Application Fee	\$ 4,867.06	\$ 914.99	\$ 5,782.06
Engineering Plan Check Fees	\$ 13,363.50	\$ 2,759.00	\$ 16,122.50
Engineering Inspection Fees	\$ 17,524.50	\$ 3,513.00	\$ 21,037.50
Engineering Inspection Fees (Overtime)	\$ 157.20		\$ 157.20
City TV Inspection		\$ 2,865.00	\$ 2,865.00
Reimbursable Costs for Century Meadows Three, Unit 5	\$ 120,486.66		\$ 120,486.66
Construction Administration (Baumbach & Piazza)	\$ 34,000.00	\$ 2,500.00	\$ 36,500.00
Design Cost for the Harney Lane Lift Station (Baumbach and Piazza)	\$ 27,046.00		\$ 27,046.00
Soils Report (Neil Anderson)	\$ 3,800.00	\$ 3,400.00	\$ 7,200.00
Compaction testing (Neil Anderson)	\$ 10,765.00	\$ 5,440.00	\$ 16,205.00
Consultants Fee (SNG Associates)	\$ 11,304.73	\$ 2,070.27	\$ 13,375.00
Total Cost	\$ 903,013.00	\$ 147,070.90	\$ 1,050,083.91
Fink Group Cost	\$ 136,879.25	\$ 25,394.77	\$ 162,274.02
Benefit Area Cost	\$ 766,133.75	\$ 121,676.13	\$ 887,809.89

Zone	Site No.	Assessor's Parcel No.	Acreage	Lift Station Benefit Ratio	Lift Station Fees	Trunk Line Benefit Ratio	Trunk Line Fees	Total Fees
A	1	058-210-27	9.64	0.043	\$ 32,679.334	0.190	\$ 23,089.72	\$ 55,769.06
A	2	058-210-28	9.76	0.043	\$ 33,086.13	0.192	\$ 23,377.15	\$ 56,463.28
A	3	058-210-26	10.65	0.047	\$ 36,103.21	0.210	\$ 25,508.87	\$ 61,612.08
A	4	058-210-25	1.59	0.007	\$ 5,390.06	0.031	\$ 3,808.37	\$ 9,198.42
A	5	058-210-04	1.00	0.004	\$ 3,389.97	0.020	\$ 2,395.20	\$ 5,785.17
A	6	058-210-03	3.01	0.013	\$ 10,203.82	0.059	\$ 7,209.55	\$ 17,413.37
A	7	058-210-19	15.15	0.067	\$ 51,358.08	0.298	\$ 36,287.27	\$ 87,645.35
Subtotal Zone A			50.80	0.225	\$ 172,210.60	1.000	\$ 121,676.13	\$ 293,886.73
B	8	058-210-29	11.30	0.050	\$ 38,306.69			\$ 38,306.69
B	9	058-230-21	1.23	0.005	\$ 4,169.67			\$ 4,169.67
B	10	2017 W Harney Lane	0.88	0.004	\$ 2,983.18			\$ 2,983.18
B	11	2031 W Harney Lane	0.35	0.002	\$ 1,186.49			\$ 1,186.49
B	12	058-230-22	17.12	0.076	\$ 58,036.33			\$ 58,036.33
B	13	058-230-13	8.40	0.037	\$ 28,475.77			\$ 28,475.77
B	14	058-230-14	1.40	0.006	\$ 4,745.96			\$ 4,745.96
B	15	058-230-25	16.10	0.071	\$ 54,578.56			\$ 54,578.56
B	16	058-230-26	13.75	0.061	\$ 46,612.12			\$ 46,612.12
B	17	058-230-09	0.46	0.002	\$ 1,559.39			\$ 1,559.39
B	18	058-230-08	0.46	0.002	\$ 1,559.39			\$ 1,559.39
B	19	058-230-07	0.46	0.002	\$ 1,559.39			\$ 1,559.39
B	20	058-230-06	0.46	0.002	\$ 1,559.39			\$ 1,559.39
B	21	058-230-10	2.49	0.011	\$ 8,441.03			\$ 8,441.03
B	22	058-220-01 to 058-220-24	9.17	0.041	\$ 31,086.05			\$ 31,086.05
B	23	058-230-03	3.92	0.017	\$ 13,288.69			\$ 13,288.69
B	24	058-230-05	0.50	0.002	\$ 1,694.99			\$ 1,694.99
B	25	058-230-04	0.27	0.001	\$ 915.29			\$ 915.29
B	26	058-040-05	5.28	0.023	\$ 17,899.05			\$ 17,899.05
B	27	058-040-06	1.00	0.004	\$ 3,389.97			\$ 3,389.97
B	28	058-040-07	1.00	0.004	\$ 3,389.97			\$ 3,389.97
B	29	058-040-08	1.00	0.004	\$ 3,389.97			\$ 3,389.97
B	30	058-040-09	1.00	0.004	\$ 3,389.97			\$ 3,389.97
B	31	058-040-10	1.00	0.004	\$ 3,389.97			\$ 3,389.97
B	32	058-040-11	1.00	0.004	\$ 3,389.97			\$ 3,389.97
B	33	058-040-12	1.00	0.004	\$ 3,389.97			\$ 3,389.97
B	34	058-040-13	1.00	0.004	\$ 3,389.97			\$ 3,389.97
B	35	058-040-04	14.16	0.063	\$ 48,002.01			\$ 48,002.01
B	36	058-040-02	29.77	0.132	\$ 100,919.48			\$ 100,919.48
B	37	058-040-01	13.37	0.059	\$ 45,323.93			\$ 45,323.93
B	38	058-040-14	13.50	0.060	\$ 45,764.63			\$ 45,764.63
B	39	058-040-15	2.40	0.011	\$ 8,135.93			\$ 8,135.93
Subtotal Zone B			175.20	0.775	\$ 593,923.16			\$ 593,923.16
Benefit Area Totals			226.00	1.000	\$ 766,133.75	1.000	\$ 121,676.13	\$ 887,809.89

NOTES:

- See Exhibit A for boundaries of Zones A and B and Site Numbers.
- ZONE A fee includes costs for the Lift Station and 15" trunk line in Harney Lane. ZONE B fees include Lift Station costs only.
- Lift Station Benefit Ratio is based on the proportion of the parcel acreage to the total acreage of the benefit area (225.58 acres).
- Trunk Line Benefit Ratio for ZONE A for 15" sewer trunk line is based on the proportion of the parcel acreage to the total acreage of ZONE A (62.1 acres).
- For Site Nos. 26, 35, 36 and 37, the acreage shown is the net acreage after deduction for the dedication of 35 feet of right-of-way along the parcel frontage on Lower Sacramento Road.
- Application fee is based on 1 percent of the sum of the reimbursable construction costs.

EXHIBIT A

NOTICE OF PUBLIC HEARING

LODI CITY COUNCIL

221 W. PINE STREET, LODI, 95240 --TELEPHONE 333-6702

DATE: Wednesday, February 18, 2004

TIME: 7:00 p.m., or as soon thereafter as the matter can be heard

PLACE: Carnegie Forum, 305 West Pine Street, Lodi

SUBJECT: To consider Reimbursement Agreement RA-03-04 establishing an area of benefit and reimbursable costs for developer-funded public improvements for the Harney Lane sanitary sewer lift station and sanitary sewer trunk line

(SEE REVERSE SIDE FOR MAP)

INFORMATION REGARDING THIS MATTER MAY BE OBTAINED IN THE OFFICE OF THE PUBLIC WORKS DEPARTMENT, 221 W. PINE ST., LODI – Contact: Lyman Chang, Associate Civil Engineer (209) 333-6706.

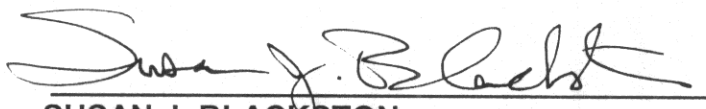
WRITTEN STATEMENTS MAY BE FILED WITH THE CITY CLERK, 221 W. PINE ST., 2ND FLOOR, LODI, AT ANY TIME PRIOR TO THE HEARING SCHEDULED HEREIN, AND ORAL STATEMENTS MAY BE MADE AT SAID HEARING.

ALL PROCEEDINGS BEFORE THE CITY COUNCIL ARE CONDUCTED IN ENGLISH. THE CITY OF LODI DOES NOT FURNISH INTERPRETERS, AND, IF ONE IS NEEDED, IT SHALL BE THE RESPONSIBILITY OF THE PERSON NEEDING ONE.

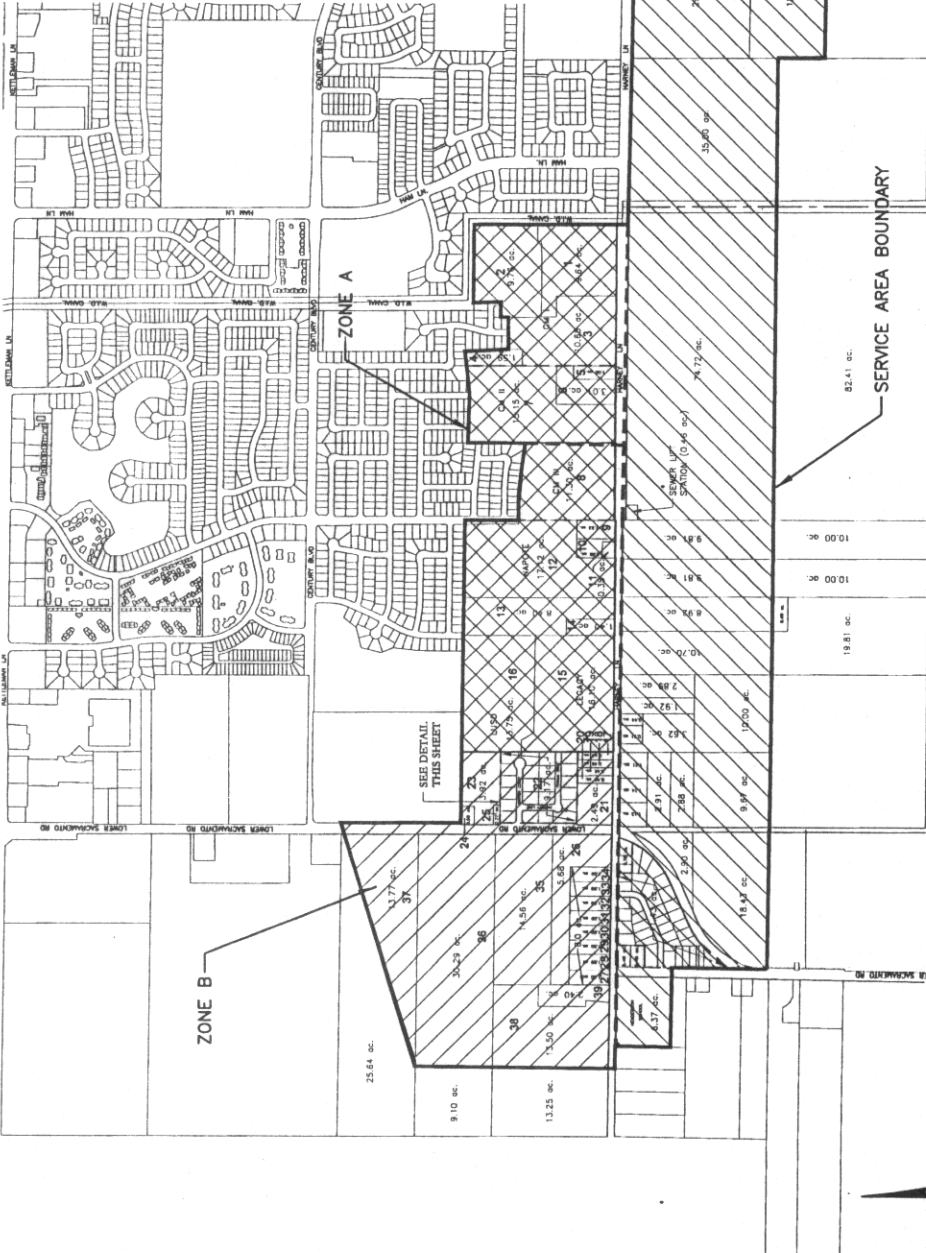
ANYONE WISHING TO BE HEARD ON THE ISSUE MAY APPEAR BEFORE THE CITY COUNCIL AT THE TIME OF THE PUBLIC HEARING. IT DESERVES TO BE NOTED THAT THE LEGAL REQUIREMENT OF PUBLIC NOTICE DOES NOT GUARANTEE NOTICE TO ALL PERSONS RESIDING IN OR OTHERWISE USING PROPERTY IN THE GENERAL VICINITY OF THE PROPERTY IN QUESTION. ACCORDINGLY, EACH RESIDENT OF THIS NOTICE IS RESPECTFULLY REQUESTED TO BRING THIS NOTICE PROMPTLY TO THE ATTENTION OF ANY OTHER PERSON OR PERSONS WHOM THE RECIPIENT FEELS MAY BE INTERESTED IN OR AFFECTED BY THIS PROPOSAL IN ORDER THAT ALL PERSONS MAY BE GIVEN AN OPPORTUNITY TO BE HEARD ON THE ISSUE.

IF YOU CHALLENGE THE PROPOSED ACTION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY CLERK/CITY COUNCIL AT, OR PRIOR TO, THE PUBLIC HEARING.

Date Mailed: January 23, 2004


SUSAN J. BLACKSTON
CITY CLERK OF THE CITY OF LODI

SUNNYSIDE ESTATES



DETAIL

SCALE 1" = 100'

APN No.	Size No.
058-215-27	1
058-215-28	2
058-215-29	3
058-215-30	4
058-215-31	5
058-215-32	6
058-215-33	7
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058-215-58	32
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058-215-61	35
058-215-62	36
058-215-63	37
058-215-64	38

HARNEY LANE SEWER LIFT STATION
SERVICE AREA

CITY OF LODI
PUBLIC WORKS DEPARTMENT

1" = 500'

LC

DATE

BY

REVISION

NO.

CAUTION

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EXHIBIT B

ALVAREZ JOE L ETAL
533 E HARNEY LN
LODI CA 95242
|||||

AZEVEDO STEVEN A & KIM HUTSON
909 KRISTEN CT
LODI CA 95242
|||||

BARAJAS TERESA ETAL
PO BOX 631
LODI CA 95241
|||||

DIETRICH THEODORE & LOUELLA T
463 E HARNEY LN
LODI CA 95240
|||||

FARROS NICK & JESSLYN
1649 W HARNEY LN
LODI CA 95242
|||||

FAUGHT MICHAEL & T
860 E KRISTEN CT
LODI CA 95242
|||||

FCB BUILDING PARTNERS I LP
3247 W MARCH LN STE 220
STOCKTON CA 95219
|||||

FLICKINGER RON R
603 E HARNEY LN
LODI CA 95240
|||||

FRONTIER LAND COMPANIES CORP
3247 W MARCH LN STE 220
STOCKTON CA 95219
|||||

FUJINAKA STEVE & BARBARA TR E
2016 E ARMSTRONG RD
LODI CA 95242
|||||

GERLACK JOHN D & B TRS
101 N LOMA DR
LODI CA 95240
|||||

HANNA GARY D & SHARON L TR
830 TEHEMA DR
LODI CA 95242
|||||

HARNEY DEVELOPMENT LLC
777 S HAM LN STE L
LODI CA 95242
|||||

HATHAWAY ROBERT W & R M TR
890 TEHAMA DR
LODI CA 95242
|||||

JENKINS LEON & MAE
909 TEHAMA DR
LODI CA 95240
|||||

K&W DEVELOPMENT
816 W LODI AVE
LODI CA 95240
|||||

KIRST J JEFFREY & CAROL ANN T
PO BOX 1259
WOODBIDGE CA 95258
|||||

KUBOTA TSUGIO TR ETAL
1500 VISTA DR
LODI CA 95242
|||||

LACKYARD DONALD D & SUSAN G
1477 E HARNEY LN
LODI CA 95240
|||||

LANGWORTHY ELMER D & S M
13710 HARTLEY LN
LODI CA 95240
|||||

LAUCHLAND JAMES R & CAROL
700 E ARMSTRONG RD
LODI CA 95240
|||||

LEAR WOODBURN L & CLAIRE L TR
13696 N HARTLEY LN
LODI CA 95242
|||||

LEE ANDREW
910 TEHAMA DR
LODI CA 95242
|||||

LODI UNIFIED SCHOOL DISTRICT
1305 E VINE ST
LODI CA 95240
|||||

LOUIE SAM K & LORNA L
910 KRISTEN CT
LODI CA 95240
|||||

LUU NHI & MINH H
13625 HARTLEY LN
LODI CA 95242
|||||

MARTIN MARILYN ANN
791 KRISTEN CR
LODI CA 95242
|||||

MASTEL RICHARD L & PHYLLIS
499 E HARNEY LN
LODI CA 95240
|||||

NEUMANN WILLIAM D & BONNIE R
865 KRISTEN CT
LODI CA 95242
|||||

NORDWICK FLOYD H & LACE A TR
895 KRISTEN CT
LODI CA 95242
|||||

LODI CA 95242

Age Group	Percentage
18-24	10
25-34	25
35-44	20
45-54	15
55-64	10
65-74	5
75-84	2
85-94	1
95+	0

[illegible]

LODI CA 95240

LODI CA 95242

LODI CA 95240
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LODI CA 95242

LODI CA 95242

LODI CA 95240

LODI CA 95242

LODI CA 95242

AMASHITA KENNETH K & Y
4 KRISTEN CT
ODI CA 95240



DECLARATION OF POSTING

PUBLIC HEARING TO CONSIDER REIMBURSEMENT AGREEMENT RA-03-04 ESTABLISHING AN AREA OF BENEFIT AND REIMBURSABLE COSTS FOR DEVELOPER-FUNDED PUBLIC IMPROVEMENTS FOR THE HARNEY LANE SANITARY SEWER LIFT STATION AND SANITARY SEWER TRUNK LINE

On Thursday, January 22, 2004 in the City of Lodi, San Joaquin County, California, a copy of a Notice of Public Hearing to consider Reimbursement Agreement RA-03-04 Establishing an Area of Benefit and Reimbursable Costs for Developer-Funded Public Improvements for the Harney Lane Sanitary Sewer Lift Station and Sanitary Sewer Lift Station and Sanitary Sewer Trunk Line (attached hereto, marked Exhibit "A"), was posted at the following four locations:

Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 22, 2004, at Lodi, California.

ORDERED BY:

SUSAN J. BLACKSTON
CITY CLERK

Jacqueline L. Taylor, CMC
Deputy City Clerk

A handwritten signature in cursive script that reads "Patricia Ochoa".

Patricia Ochoa
Administrative Clerk

Jennifer M. Perrin, CMC
Deputy City Clerk



DECLARATION OF MAILING

PUBLIC HEARING TO CONSIDER REIMBURSEMENT AGREEMENT RA-03-04 ESTABLISHING AN AREA OF BENEFIT AND REIMBURSABLE COSTS FOR DEVELOPER-FUNDED PUBLIC IMPROVEMENTS FOR THE HARNEY LANE SANITARY SEWER LIFT STATION AND SANITARY SEWER TRUNK LINE

On January 22, 2004, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a Public Hearing to consider Reimbursement Agreement RA-03-04 Establishing an Area of Benefit and Reimbursable Costs for Developer-Funded Public Improvements for the Harney Lane Sanitary Sewer Lift Station and Sanitary Sewer Trunk Line, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 22, 2004, at Lodi, California.


ORDERED BY:

**SUSAN BLACKSTON
CITY CLERK, CITY OF LODI**

ORDERED BY:

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK

JENNIFER M. PERRIN
DEPUTY CITY CLERK



PATRICIA OCHOA
ADMINISTRATIVE CLERK



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Appointments to the Lodi Arts Commission

MEETING DATE: February 18, 2004

PREPARED BY: City Clerk

RECOMMENDED ACTION: That Council, by motion action, concur with the Mayor's recommended appointments to the Lodi Arts Commission.

BACKGROUND INFORMATION: As indicated below, the City Clerk's office was directed to post for the vacancies on the Lodi Arts Commission. It is recommended that the City Council concur with the following appointments.

Lodi Arts Commission

Robert Clemons	Term to expire July 1, 2007*	<i>posting of vacancy ordered 10/1/03</i>
Judy Bader	Term to expire July 1, 2005	<i>posting of vacancy ordered 12/3/03</i>

*This term is due to expire July 1, 2004; however, it is recommended that the three-year term be extended at this time.

NOTE: 12 applicants (3 new applications and 9 applications on file); published in Lodi News-Sentinel 10/4/03 and 12/6/03; application deadline: 11/3/03 (extended to 1/12/04)

FUNDING: None required.

Susan J. Blackston
City Clerk

SJB/JMP

APPROVED: _____
H. Dixon Flynn, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Post for Vacancy on the East Side Improvement Committee

MEETING DATE: February 18, 2004

PREPARED BY: City Clerk

RECOMMENDED ACTION: That Council, by motion action, direct the City Clerk to post for the vacancy on the East Side Improvement Committee.

BACKGROUND INFORMATION: The City Clerk's Office received a letter of resignation (filed) from East Side Improvement Committee member, Rosie Ortiz. It is, therefore, recommended that the City Council direct the City Clerk to post for the vacancy below.

East Side Improvement Committee

Rosie Ortiz Term to expire March 1, 2005

State statute requires that the City Clerk post for vacancies to allow citizens interested in serving to submit an application. The City Council is requested to direct the City Clerk to make the necessary postings.

FUNDING: None required.

Susan J. Blackston
City Clerk

SJB/JMP

APPROVED: _____
H. Dixon Flynn, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Updates from Mayor Hansen regarding the following issues: Barger & Wolen audit of Envision Law Group's billings; progress on Request for Proposals for special counsel to represent the City of Lodi in its Environmental Abatement Program litigation and legal proceedings relative to the Environmental Abatement Program litigation

MEETING DATE: February 18, 2004

PREPARED BY: Deputy City Manager

RECOMMENDED ACTION: That the City Council receive an update regarding the following issues: Barger & Wolen audit of Envision Law Group's billings; progress on Request for Proposals for special counsel to represent the City of Lodi in its Environmental Abatement Program litigation and legal proceedings relative to the Environmental Abatement Program litigation.

BACKGROUND INFORMATION: At the request of Mayor Hansen, this item is placed on the agenda to allow for a verbal update regarding the status of the above issues.

FUNDING: Not applicable

Janet S. Keeter
Deputy City Manager

JSK/si

APPROVED: _____
H. Dixon Flynn, City Manager



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Discussion and Direction Regarding Adjusting Water and Wastewater Rates

MEETING DATE: February 18, 2004

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council direct staff on the issues described below in preparation for adjusting water and wastewater rates.

BACKGROUND INFORMATION: Water and wastewater rates were last adjusted in 2001 to fund a major infrastructure replacement program. Rate increases were implemented in two steps. Three significant expenses were not included at that time, which need to be addressed. Staff needs direction on these items in order to calculate the necessary rate adjustments. Action on wastewater rates is needed in the next month or so in order to complete the financing for the Phase 2 project which is underway. Action on water rates should also take place in a timely manner.

Water

The first major item is in the water utility - the 2003 water purchase contract with the Woodbridge Irrigation District. This contract, which costs \$1.2 million per year, began in the second quarter of this fiscal year. At the time of adoption, staff indicated a rate increase would be necessary and planned to incorporate this action with discussion on how to utilize this water. However, due to various workload and other delays, this discussion is not yet ready to occur. Yet, the financial pressure on the water utility from this contract and the PCE/TCE issue is such that a rate increase should not be delayed.

Annual revenue from water sales is approximately \$5.68 million. The annual cost increase of \$1.2 million represents an additional gross revenue need of 24%. An option of lowering the General Fund in-lieu tax transfer from 12% to 10% would reduce the increase to 21% and keep the General Fund revenue essentially at current levels. This would be consistent with past practice and allows the amount to automatically adjust with growth but does not unduly add to the general fund when rates are increased for some major program. This option, along with other items presented below, is summarized in Table 1. Another way to accomplish this would be to set a base figure and provide some growth factor independent of the rate structure.

Wastewater

The State-mandated White Slough Water Pollution Control Facility improvements are being funded through certificates of participation which will increase annual debt service requirements by approximately \$2 million. In addition, operating costs will increase with the additional improvements.

Staff and our consultants are developing a cost and revenue model that brings these factors together and presented a preliminary version to the City Council in October 2003. The model is still being refined as we proceed on the 2004 financing, including analysis of required revenue/expense coverage ratios. The two outstanding debts have different criteria on how coverage and "additional bonds test" are calculated and all must be satisfied in order to issue the Phase 2 project COP's. Our financial consultants are recommending a healthy coverage ratio rather than minimum levels in order to obtain the best possible interest rates. These

APPROVED: _____
H. Dixon Flynn, City Manager

requirements, along with unavailability of the low-interest State Revolving Loan fund, are also driving up the recommended rate increases.

The rate increase shown in Table 1 is for April 2004 with another in 2005 assuming we can meet the required additional bonds test; if not, we will need one larger increase this year. A third increase would occur in 2006, but staff is recommending this not be adopted at this time as the actual amount will depend on the Phase 3 project final costs and financing. Staff will bring this item back to the Council at the appropriate time, along with other recommendations concerning rate structure, as discussed in the October 2003 shirtsleeve session.

An option similar to water concerning the in-lieu transfer exists for wastewater and is also summarized in Table 1. A similar decrease in the following year's transfer would occur with future rate increases.

In addition to wastewater service rates, the White Slough Water Pollution Control Facility improvements also include capacity for future growth. Consistent with past practice, a portion of the costs have been allocated to "growth" and as described in the October 2003 shirtsleeve session, staff proposes to combine the "capacity" fee, currently charged with building permits, into the wastewater impact mitigation fee (IMF) program. The current capacity fee for a 2-bedroom home is \$2,099. The current wastewater IMF is \$544/acre or \$108.80 assuming five homes per acre. The new combined fee, including the White Slough project increase, is approximately \$3,600 per 2-bedroom home. Making these modifications will require changes to the City Code, which will be presented at later meeting.

Water/Wastewater – PCE/TCE

The cost of PCE/TCE litigation and investigative work has affected the water fund and could affect the wastewater fund. While nearly all the costs have been covered by water fund balance and the Lehman financing, these sources have been exhausted. We still have ongoing costs, and rough estimates for technical work needed to meet State and Federal requirements in designing a complete cleanup program are in the \$7 million and up range. While we anticipate that much of this cost will eventually be recovered, we still need funding to make progress until that recovery occurs.

As mentioned above, the water fund has been the source for City funding on this issue since the water supply is at risk. However, given the alleged potential for City liability is partly due to the wastewater system, it would be reasonable to share this cost between the two enterprises. Since neither fund has substantial cash balance, staff feels it would be prudent to include some allowance in the rates for these expenses and is suggesting for discussion purposes 10% in both water and wastewater which would provide approximately \$1 million annually.

Low-Income Discount Program

The City's current discount for qualified low-income water and wastewater customers is 10%. These are customers who are eligible for certain Social Security payments. Under a separate Council item, staff is recommending that the eligibility criteria be broadened and made consistent with other electric utility programs. However, that action does not include establishing the actual discount, which is the subject of this item. While this is not a significant revenue issue and thus is not included as one of the three significant items driving the recommended rate adjustment it should be included in our calculations. Staff feels it is appropriate to consider establishing a meaningful discount at the same time rates are adjusted.

A 20% discount on both water and wastewater would largely negate the effects of the proposed rate increases. The revenue impact at this percentage with the expanded eligibility criteria is estimated at roughly \$95,000 annually and should be included in the rate model. Assuming the recommended ordinance is adopted, the discount rate would be set by resolution. Staff proposes to also present this at the meeting when rate adjustments are considered.

Summary

The following table summarizes the adjustments discussed with two options – one under current policies, the other with the transfer reduced as noted above. The intent of the summary is to provide an approximation of the rates with the adjustments described. The new rates are not final numbers and the adjustments would apply to the total bill and include all customers including septic haulers. Note that the reduced in-lieu percentages changes depending on the magnitude of the rate increase in order to keep the transfer at current levels. With Option 1, the combined bill for water and wastewater for a 2-bedroom home would increase by approximately \$10.13 per month, and under Option 2, the total increase is \$8.82 per month. Rates charged by other agencies are attached for comparison.

Table 1 – Summary of Water/Wastewater Rate Adjustments – July 2004

	Option 1 – Current Policy (12% in-lieu)			Option 2 – reduced in-lieu (in-lieu as noted)		
	% Increase	2-Br rate \$/mo. increase new total		% Increase (new in-lieu)	2-Br rate \$/mo. increase new total	
Water	Current Rate: \$16.22					
Water – WID purchase	24%	\$3.89	\$20.11	21.3% (10%)	\$3.45	\$19.67
Water – PCE/TCE	10%	\$1.62	\$17.84	8.8% (11%)	\$1.43	\$17.65
Water Combined	34.0%	\$5.51	\$21.73	29.6% (9%)	\$4.80	\$21.02
Wastewater	Current Rate: \$12.97					
Wastewater – Improvements	25%	\$3.24	\$16.21	22% (10%)	\$2.85	\$15.82
Wastewater – PCC/TCE	10.6%	\$1.37	\$14.34	9.4% (11%)	\$1.22	\$14.19
Wastewater Combined	35.6%	\$4.62	\$17.59	31.0% (9%)	\$4.02	\$16.99

Direction

Staff is requesting direction on the following items so as to reduce the number of variables that would be considered in calculating a recommended rate adjustment:

- Should the in-lieu transfer be maintained per policy or reduced as described?
- Should we include an amount for the PCE/TCE issue, and if so, how much?
- What should the low-income discount be?

FUNDING: Not applicable.

Richard C. Prima, Jr.
Public Works Director

RCP/pmf

cc: Vicky McAthie, Finance Director

Monthly Rate Comparisons

<u>Other San Joaquin County Agencies:</u>			
Wastewater Rates:			
		Updated	Basis
Linden CWD	\$19.70	1-04	all SF resid.
Stockton	\$18.80	1-04	all SF resid.
Country Club SD	\$25.30	1-04	all SF resid.
Lathrop	\$18.39	1-04	all SF resid.
Tracy	\$22.25	1-04	all SF resid.
Escalon	\$11.32	1-04	all SF resid.
Manteca	\$23.48	1-04	all SF resid.
Lockeford CSD	\$11.80	1-04	all SF resid.
Ripon	\$13.82	1-04	all SF resid.
Woodbridge SD	\$14.70	1-04	3 Bedroom
Low	\$11.32		
Average	\$17.96		
High	\$25.30		
Lodi	\$16.23		3 Bedroom

<u>State of California - FY 01/02 Survey Report -</u>			
Wastewater Rates:			
516 agencies reporting			
Monthly Rates - All		Adv. Secondary	Tertiary
Low	\$4.25	\$7.13	\$5.90
Median	\$17.43	\$20.25	\$19.93
Average	\$20.46	\$21.97	\$22.84
High	\$118.88	\$57.00	\$76.17
Lodi	\$16.23 (3 Bedroom)		

<u>Black & Veatch - Statewide surveys</u>		
	2002 Wastewater	2003 Water
	526 agencies	459 agencies
Monthly Rates:		
Low	\$5.00	\$7.50
Median	\$16.50	\$30.93
Average	\$20.17	\$30.33
High	\$187.98	\$112.60
Lodi (3 Bedroom)	\$16.23	\$19.45

Water Rates as of January 2004

City	Base Charge	Water Charge	Total for typical residence	Comments
Escalon				
Metered	\$11.29 /mo.	\$0.8185 /1000 gal. \$0.6122 /100 cu. ft.	\$23.62 /mo.	\$0.9004/1,000 gals. for 50,000-80,000 gal., greater than 80,000 gal. \$0.9904/1000 gal.
Lathrop				
Metered	\$9.71 /mo.	\$1.5100 /1000 gal. \$1.1295 /100 cu. ft.	\$32.36 /mo.	
Manteca				
Metered	\$13.70 /mo.	\$0.65 /100 cu. ft.	\$29.10 /mo.	Water charge is \$0.85/100 cu. ft. for amount over 2,000 cu. ft. User tax of \$2.35 added to all accounts.
Ripon				
Flat Rate	\$19.59 /mo.	n/a	\$19.59 /mo.	Lot size up to 10,000 SF.
Metered	\$14.24 /mo.	\$1.000 /100 cu. ft.	\$20.29 /mo.	Base charge includes first 1400 cu. Ft.
Stockton (City)				
Metered	\$14.20 /mo.	\$0.690 /100 cu. ft.	\$30.28* /mo.	\$0.59/100 cu. ft. for amount over 30,000 cu. ft. plus 8% user tax.
Tracy				
Metered	\$9.85 /mo.	\$0.85 /100 cu. ft.	\$27.61 /mo.	Water charge increases to \$1.20 over 1,200 winter/1,800 summer cu. ft., \$1.40 over 1,900w/2,900s cu. ft., \$1.50 over 19,000w/28,700s cu. ft.
Average				
Flat Rate	NA		NA	
Metered	\$12.17 /mo.	\$0.92 /100 cu. ft.	\$27.21 /mo.	rates per 1000 gal. adjusted to 100 cu. ft.
Lodi				
Flat Rate	\$19.45 /mo.	n/a	\$19.45 /mo.	ranges from \$13.51 for 1 bedroom to \$40.35 for 7 br's.
Metered	\$11.43 /mo.	\$0.524 /100 cu. ft.	\$21.94 /mo.	Base charge does not include any water allowance.

Typical Residence Criteria:

		Units (agency affected)
Water Use:	15,000	gallons/month (2,005 cu. ft.)
Parcel Area:	5,000	square feet (Madera, Merced, Ripon, Roseville, Woodland)
Meter Size:	¾"	size of service pipe is typically 1' minimum, meter is usually smaller
Rooms:	6	number (Turlock)
Bedrooms:	3	number (Lodi)
*		user tax added

Ripon, Merced, Woodland, and Roseville meter commercial and have flat rates for residential customers. Roseville is installing meters at all connections and will be metering all customers in the future.

City	Base Charge	Water Charge	Total for typical residence	Comments	Updated
Davis					
Metered	\$8.68 /mo.	\$0.63 /100 cu. ft.	\$21.31 /mo.	Water charge increases to \$0.68/100 cu. ft. for amount over 3600 cu. Ft.	Jan-04
Escalon					
Metered	\$11.29 /mo.	\$0.8185 /1000 gal. \$0.6122 /100 cu. ft.	\$23.62 /mo.	\$0.9004/1,000 gals. for 50,000-80,000 gal., greater than 80,000 gal. \$0.9904/1000 gal.	Jan-04
Lathrop					
Metered	\$9.71 /mo.	\$1.5100 /1000 gal. \$1.1295 /100 cu. ft.	\$32.36 /mo.		Jan-04
Madera					
Flat Rate	\$13.62 /mo.	n/a	\$13.62 /mo.	For 1st 5,000 sq. ft. lot. Increases \$0.16 per additional 100 sq. ft.	Jan-04
Metered	\$2.37 /mo.	\$0.5156 /100 cu. ft.	\$12.71 /mo.		Jan-04
Manteca					
Metered	\$13.70 /mo.	\$0.65 /100 cu. ft.	\$29.10* /mo.	Water charge is \$0.85/100 cu. ft. for amount over 2,000 cu. ft. User tax of \$2.35 added to all accounts.	Jan-04
Merced					
Flat Rate	\$21.75 /mo.	n/a	\$21.75 /mo.	\$21.75 for first 10,000 SF, per table up to \$72.87 for 46,000 SF	
Metered	\$21.75 /mo.	\$0.562 /100 cu. ft.	\$21.75 /mo.	Base charge includes water allowance up to amount under quantity rate (3,000 cu. Ft. for ¾").	Jan-04
Ripon					
Flat Rate	\$19.59 /mo.	n/a	\$19.59 /mo.	Lot size up to 10,000 SF.	Jan-04
Metered	\$14.24 /mo.	\$1.000 /100 cu. ft.	\$20.29 /mo.	Base charge includes first 1400 cu. Ft.	Jan-04
Roseville					
Flat Rate	\$15.60 /mo.	n/a	\$15.60 /mo.	For single family lot between 4,901 and 8,900 SF; per table for other sizes	Jan-04
Metered	\$10.35 /mo.	\$0.22 /100 cu. ft.	\$16.53 /mo.	Water charge increases to \$0.44/100 cu. ft. for 1,200-5,000; \$0.66/100 cu. ft. for >5,000 cu.. ft.	Jan-04
Stockton (City)					
Metered	\$14.20 /mo.	\$0.690 /100 cu. ft.	\$30.28* /mo.	\$0.59/100 cu. ft. for amount over 30,000 cu. ft. plus 8% user tax.	Jan-04
Tracy					
Metered	\$9.85 /mo.	\$0.85 /100 cu. ft.	\$27.61 /mo.	Water charge increases to \$1.20 over 1,200 winter/1,800 summer cu. ft., \$1.40 over 1,900w/2,900s cu. ft., \$1.50 over 19,000w/28,700s cu. ft.	Jan-04
Turlock					
Flat Rate	\$13.45 /mo.	n/a	\$13.45 /mo.	\$7.05 for 0 to 5 rooms, \$7.90 for 6-8, \$8.70 over 8 plus charge based on parcel area (\$5.55 up to 5,500 SF, \$0.85 for each add'l 2000 SF)	Jan-04
Metered	\$9.45 /mo.	\$0.47 /1000 gal. \$0.352 /100 cu. ft.	\$16.50 /mo.	Water charge decreases to \$0.40 over 50,000 gallons, \$0.17 over 150,000 gallons	Jan-04
Vacaville					
Metered	\$16.49 /mo.	\$0.72 /100 cu. ft.	\$33.02 /mo.	Water charge increases to \$1.00 over 1,200 cu. ft. 15% discount for senior citizens on base and consumption charge.	
Woodland					
Flat Rate	\$16.09 /mo.	n/a	\$17.54* /mo.	For single family lot 5,000 to 10,000 SF; \$13.05 under 5,000 SF, \$19.00 over 10,000 SF (9% user tax reviewed every other year.)	Jan-04
Metered	\$1.24 /mo.	\$0.99 /100 cu. ft.	\$22.99* /mo.		
Yuba City					
Flat Rate	\$26.38 /mo.	n/a	\$26.38 /mo.		Jan-04
Metered	\$14.09 /mo.	\$0.881 /100 cu. ft.	\$17.66 /mo.	Includes 1,600 cu. ft. minimum quantity	
Average					
Flat Rate	\$15.81 /mo.	n/a	\$15.99 /mo.		
Metered	\$11.01 /mo.	\$0.667 /100 cu. ft.	\$23.50 /mo.	rates per 1000 gal. adjusted to 100 cu. ft.	
Lodi					
Flat Rate	\$19.45 /mo.	n/a	\$19.45 /mo.	ranges from \$13.51 for 1 bedroom to \$40.35 for 7 br's.	
Metered	\$11.43 /mo.	\$0.524 /100 cu. ft.	\$21.94 /mo.	Base charge does not include any water allowance.	

Typical Residence Criteria:		Units (agency affected)	
Water Use:	15,000	gallons/month	(2,005 cu. ft.)
Parcel Area:	5,000	square feet	(Madera, Merced, Ripon, Roseville, Woodland)
Meter Size:	¾"	size of service pipe is typically 1" minimum, meter is usually smaller	
Rooms:	6	number (Turlock)	
Bedrooms:	3	number (Lodi)	
*		user tax added	

Ripon, Merced, Woodland, and Roseville meter commercial and have flat rates for residential customers. Roseville is installing meters at all connections and will be metering all customers in the future.



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Introduce Ordinance Repealing and Reenacting LMC §13.04.130 and Establishing Low Income Discounts for Water, Sewer and Refuse Services

MEETING DATE: February 18, 2004

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council introduce an ordinance repealing and reenacting LMC §13.04.130 establishing low income discounts for water, sewer and refuse services.

BACKGROUND INFORMATION: In discussion on water and wastewater rates, the subject of providing a meaningful discount for low income residents was brought up. Staff is recommending a change in the City's current discount program as described below.

Currently, the Lodi Municipal Code contains the following section:

13.04.130 Low income adjustments.

The rates for residential water, sewer and refuse collection service as they now exist or may hereafter be modified under this chapter, shall be reduced by ten percent (exclusive of surcharges, if any) for those residential accounts in the names of person otherwise eligible for Supplemental Security Income (SSI), or State Supplement Payments (SSP), as determined by the Social Security Administration, which shall have sole discretion in determining such eligibility. Proof of eligibility may be required by the city to qualify for the rate adjustments provided herein. (Ord. 1445 § 1, 1989)

In addition, the City has various electric and refuse programs, as summarized on Exhibit A. The refuse discounts actually are greater than 10% due to the way past rate increases were handled. Staff proposes to bring these in line with the proposed discount programs with the next refuse rate adjustments.

There are about 1,300 customers receiving electric discounts, almost 900 receiving refuse discounts and about 300 receiving water/wastewater discounts. The actual number of customers on these discount programs varies due to both different eligibility criteria and the fact that not all customers pay each of these bills. For example, a landlord might pay water and sewer and the tenant pays refuse and electric.

This recommendation is based on the fundamental concept that the City should have one set of eligibility criteria for its discount programs, although amount of the discount may vary among the utilities; and, they would be set by resolution. This will allow one administrative process for approval rather than two or three. A resolution will be prepared for adoption at the time the ordinance is adopted should the Council

APPROVED: _____
H. Dixon Flynn, City Manager

approve introduction of the ordinance. Staff will provide additional information on the discount – and obtain direction as to what percentage – as part of the presentation on rate adjustments.

The text of the proposed ordinance is as follows:

13.04.130 Low income adjustments.

The rates for residential water, sewer and refuse collection service as they now exist or may hereafter be modified under this chapter, shall be reduced as established by resolution for those residential accounts in the names of persons eligible for applicable electric service discounts as provided in this Title. Proof of eligibility may be required by the city to qualify for the rate adjustments provided herein.

FUNDING: Not applicable.

Richard C. Prima, Jr.
Public Works Director

RCP/pmf

Attachment

cc: Alan Vallow, Electric Utility Director
Vicky McAthie, Finance Director

Exhibit A

Refuse Rate Reduction Program

Residential customers may apply for a reduction in their rate due to personal economic hardship. The rate reduction is actually a set rate depending on the size of the cart. 20-gallon carts are currently at a rate of \$8.24 and the 38-gallon cart at \$10.30. The criteria for this program is proof of income that meets the following guidelines:

One person in household \$12,000/year

Each additional person add \$2,000/year

Once application is approved there is no follow-up procedure to verify continued eligibility.

SHARE Program

This program allows residential customers to apply for a discount of 20% on their monthly utility bill. The criteria for this program is proof of income that meets the following guidelines:

<u>Number of Persons in Household</u>	<u>Maximum Annual Household Income</u>
1-2	\$22,000
3	\$25,900
4	\$31,100
Each additional member	\$5,200

Once the application is approved, it is up to the applicant to notify the Finance Department within 30 days of becoming ineligible for the program.

SSI & SSP Recipient Discount Program

If a resident receives SSI or SSP, they may be eligible for a 10% discount on Water, Sewer and Refuse rates. Once the application is filled out, the Finance Department will send the form to the Social Security Administration to verify eligibility. Once approved, there is no follow-up procedure to verify continued eligibility.

Senior Fixed Income Program

This program allows for residential customers over the age of 62 with a maximum household income of \$45,000 to apply for a 5% discount on their monthly electric bill.

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF LODI AMENDING CHAPTER 13.04 "SERVICE
GENERALLY" BY REPEALING AND REENACTING
SECTION 13.04.130 OF THE LODI MUNICIPAL CODE
RELATING TO LOW INCOME ADJUSTMENTS

=====

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Section 13.04.130 "Low Income Adjustments" of the Lodi Municipal Code is hereby repealed and reenacted to read as follows:

13.04.130 Low Income Adjustments.

The rates for residential water, sewer, and refuse collection service as they now exist or may hereafter be modified under this chapter, shall be reduced as established by resolution for those residential accounts in the names of persons eligible for applicable electric service discounts as provided in this Title. Proof of eligibility may be required by the City to qualify for the rate adjustments provided herein.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care toward persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi and shall take effect thirty days from and after its passage and approval.

Approved this ____ day of _____, 2004

LARRY D. HANSEN
Mayor

Attest:

SUSAN J. BLACKSTON
City Clerk

=====

State of California
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held February 18, 2004, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES; COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. ____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER
Interim City Attorney



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Discussion of City Attorney Recruitment
MEETING DATE: Wednesday, February 18, 2004
PREPARED BY: Human Resources Director

RECOMMENDED ACTION: The purpose of this item is to update the City Council on the City Attorney recruitment.

BACKGROUND INFORMATION: The City Attorney recruitment will open on Monday, March 1, 2004 and close on Friday, April 16, 2004. Advertisements will be placed in Western City magazine, Jobs Available, Lodi News Sentinel, Stockton Record, and the Sacramento Bee. Additionally, other League of California resources and outreach will be employed to notify and attract the largest based applicant pool.

After the filing period has closed, the Human Resources Director will meet with the City Council or a subcommittee thereof to receive input on the screening criteria for this position.

Attached for the City Council's review is a copy of the following: Job Specification for City Attorney, Draft of Recruitment Brochure, and copy of the advertisement placed in Western City magazine. (Exhibits A-C).

The time table for the recruitment is tentatively as follows:

Filing Period for Applications:	March 1, 2004 – April 16, 2004
Review of Applications:	Week of April 19, 2004
Assessment Process:	Week of April 24, 2004
Interviews with City Council:	Week of May 3, 2004

FUNDING: N/A

Respectfully submitted,

Joanne M. Narloch, Human Resources Director

cc: Interim City Attorney

APPROVED: _____
H. Dixon Flynn, City Manager

CITY OF LODI

April 19, 1995

CITY ATTORNEY**DEFINITION**

Under policy direction and supervision of the City Council, acts as the Chief Legal Officer of the City with responsibility for all aspects of the City's legal work, whether performed by professional in-house staff or outside counsel; acts as the legal representative in City matters for all elected and appointed officials and City departments; performs related work as assigned by the City Council.

CLASS CHARACTERISTICS

This single position class manages all City legal activities, including civil and criminal litigation, whether performed by in-house staff or outside counsel. Responsibilities include personally handling sensitive and complex legal matters and rendering advice and opinions to the City Council, City Boards and Commissions, and City departments.

EXAMPLES OF DUTIES

Duties may include, but are not limited to the following:

- Develops and directs the implementation of goals, objectives, policies and procedures, budget and work standards for the Legal Department;
- Plans, organizes, administers, reviews and evaluates the activities of professional, support and contract staff; selects assigned staff and provides for their training and professional development;
- Supervises the institution and defense of all litigation involving the City;
- Studies and interprets laws, court decisions and other authorities and provides legal advice to all City boards and commissions, the City Council and City departments regarding legal implications of all City operations;
- Evaluates all legal claims filed against the City and recommends appropriate action;
- Defends the City and its employees in lawsuits against them for acts done in the performance of their duties;
- Represents the City in court cases;
- Reviews the sufficiency of all legal documents to which the City is a party;
- Represents the City in the collection of claims;
- Prepares a variety of periodic and special reports related to Legal Department activities and legal cases;
- Monitors legal developments, including proposed legislation and court decisions related to municipal law and activities; evaluates their impact on City operations and recommends appropriate action;
- Attends City Council and other required meetings.

MINIMUM QUALIFICATIONS:

Knowledge of:

- Principles and procedures of civil and criminal law, particularly as they are related to municipal government, including civil, criminal and administrative procedure;
- Principles, methods, and practices of legal research and investigations;
- Judicial procedures and the rules of evidence;
- Pleadings and practices and effective techniques in the presentation of court cases;
- Municipal government organization, structure and functional responsibilities;
- Responsibilities and obligations of public officials and administrative agencies;
- State and federal laws and constitutional provisions affecting municipal operations;
- Administrative principles and practices including goal setting, budget development and implementation and employee supervision.

Ability to:

- Plan, organize, administer, review and evaluate professional, contract and other support staff;
- Select, train, motivate and evaluate departmental staff;
- Perform complex legal research, analyze complex problems, evaluate alternatives and make sound recommendations;
- Prepare clear, concise and complete legal documentation and reports, correspondence and other written materials;
- Develop, implement, and interpret goals, objectives, policies, procedures, work standards and internal controls;
- Analyze and apply legal principles and precedents to specific local government problems;
- Make effective court and hearing presentations;
- Establish and maintain effective work relationships with those contacted in the course of the work;
- Represent the City effectively in meetings with others.

EDUCATION AND EXPERIENCE

Any combination equivalent to experience and education that would likely provide the required knowledges and abilities would be qualifying. A typical combination is:

Education:

Equivalent to graduation from a college or university with an appropriate law degree.

Experience:

Five years experience in the active practice of law in the State of California which has included two years in a lead or supervisory capacity. Extensive experience in a municipal setting and in the active practice of law, including litigation, are desirable.

LICENSES AND CERTIFICATES:

- Possession of an appropriate, valid Driver's License from the California Department of Motor Vehicles. Must be a current member of the California State Bar Association.



The City

The City of Lodi and its surrounding area offer something for everyone – City lake, wineries, museums, street faires, unique shops, zoo, lush parks, golf courses and fine restaurants. Lodi is an agricultural community with a population of 60,500. Although growing, Lodi has managed to retain a small-town charm, with its quality of life-enriching art symphony and drama groups, churches, and even boating in the Mokelumne River that flows through town. The Lodi area is well known for its grape and wine industry. Lodi has excellent park facilities, with Lodi Lake serving as the crown jewel of the park system. Centrally located in California's San Joaquin Valley, the City lies 90 miles east of San Francisco and 34 miles south of Sacramento. The City is fiscally sound and maintains a stable workforce. Outdoor enthusiasts will find that the coast, mountains, rivers and lakes are within easy reach for their enjoyment.

City of Lodi
Human Resources
221 W. Pine Street
Lodi, CA 95240

City of Lodi



City of Lodi, California
Invites Your Interest in
The Position of

City
Attorney



THE POSITION

The City Attorney's Office consists of a City Attorney, Deputy City Attorney and Legal Secretary. It provides legal services to the City Council, City Manager, Department Heads, Boards, Commissions and a full time staff of approximately 480 City employees. Duties include drafting ordinances and resolutions, preparing City contracts, handling litigation in which the City is a party and prosecuting violations of the Municipal Code, as well as advising on employment issues and zoning and land use matters.

MINIMUM QUALIFICATIONS

A JD from an accredited law school, admission to practice in California and at least five years of broad experience, two of which were in a supervisory capacity. Extensive experience in a municipal setting is highly desirable.

THE "IDEAL" CANDIDATE

- The ideal candidate will be an articulate, experienced attorney with a strong background in municipal law.
- In-depth knowledge and experience with municipal utilities (electric, water and wastewater), and environmental law is desirable.
- Sensitivity to responsible growth requirements and knowledge of the current issues and challenges facing city governments is required.
- The City Council is looking for an individual with good standing and reputation in the community and the legal profession, who is highly motivated, objective and who has a strong sense of personal and professional integrity.
- Excellent verbal and written communication skills are a must.
- Should be solution-oriented, able to anticipate issues and implement preventative/proactive measures as necessary.



COMPENSATION & BENEFITS

- **Salary:** Salary is negotiable depending on qualifications and experience.
- **Medical:** The City provides full coverage for employees.
- **Dental:** The City provides full coverage for employees.
- **Vision:** The City provides full coverage for employees.
- **Public Employees Retirement System (PERS):** The City provides the local miscellaneous 2% @ 55 retirement formula and also contributes the 7% employee contribution to the retirement system. The City does not participate in the Social Security System.
- **Life Insurance:** The City provides life insurance at the rate of 1-1/2 times the annual salary.
- **Long-Term Disability:** The City provides coverage for the employee.
- **Administrative Leave:** Ten (10) days administrative leave each calendar year.
- **Holidays:** Four (4) floating and nine and one-half (9-1/2) fixed holidays per year.
- **Sick Leave:** Ten (10) days per year, with unlimited accumulation.
- **Vacation:** Ten (10) to twenty (20) days per year depending on years of service.
- **Deferred Compensation:** Up to \$13,000 annually may be deferred at the option of the employee. The City will also match up to 2% of the employee's contribution.
- **Flexible Spending Account:** Employees may elect to participate in three options.



TENTATIVE SELECTION PROCESS

All dates and times for the selection process are tentative.

March 1, 2004—April 16, 2004

Filing Period for Applications

Week of April 19, 2004

Review of Applications

Week of April 24, 2004

Assessment Process

Week of May 3, 2004

Interviews with City Council

To apply, submit a resume, salary history, salary requirement, and five (5) work-related references to Joanne Narloch, Human Resources Director, 221 West Pine Street, Lodi, CA 95240.

Phone: (209)333-6704

E-mail: jnarloch@lodi.gov

The final filing date is **Friday, April 16, 2004.**





CITY ATTORNEY

City of Lodi, CA

The City of Lodi is seeking a dynamic individual with strong interpersonal and leadership skills to provide legal guidance and advice to the City Council, City Manager, Department Heads, staff and various boards and commissions.

The City of Lodi is a general law city incorporated in 1906 that operates under the council-manager form of government. The City (population 60,500) is centrally located in California's San Joaquin Valley and is especially known for its grape and wine industry.

The City Council is looking for an individual who is responsive, highly motivated, objective, with a strong sense of personal and professional integrity. Excellent verbal and written communication skills are a must. The ideal candidate should be solution-oriented, able to anticipate issues and implement preventative/proactive measures as necessary.

The City Attorney will be an articulate, experienced generalist with at least five years experience and a strong background in municipal law. Experience with municipal utilities (wastewater, water, and electric) and environmental law is desirable. Sensitivity to responsible growth requirements and knowledge of current issues and challenges facing city governments is required. Salary is open/negotiable DOQ.

To apply, submit a resume, salary history, and five work-related references to Joanne Narloch, Human Resources Director, 221 W. Pine Street, Lodi, CA 95240. Phone: (209) 333-6704, e-mail: jnarloch@lodi.gov. The final filing date is April 16, 2004.



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Request for Authority to Hire a Contract Docket Clerk to assist with the Environmental Abatement Program Litigation, and Appropriate Funds for this Expense (\$5,000.00)

MEETING DATE: February 18, 2004

PREPARED BY: City Attorney

RECOMMENDED ACTION: That the City Council authorize the Interim City Attorney to hire a temporary Docket Clerk to assist in the management of the Environmental Abatement Program litigation.

BACKGROUND INFORMATION: As you are aware, when the City Council fired the City's outside counsel, Envision Law Group, the workload fell on the City's Attorney's office, along with the help of the law firm of Kronick, Moskowitz, Tiedemann & Gerard. Until such time as another environmental law firm is hired and brought up to speed, it is imperative that all documents regarding any and all PCE/TCE litigation be docketed and accounted for.

With the City Attorney staff consisting of the Legal Secretary, and myself we are not able to physically perform all of the necessary duties that are required to stay on top of the PCE/TCE issues and still perform all of the duties on the municipal side of the office.

Kronick Moskowitz Tiedemann & Girard has offered one of its Docket Clerks to perform the services at a steeply discounted rate of \$24.00 per hour plus travel expenses. As such, the item does not include benefits or a new temporary or permanent position. The budgeted amount is based on the assumption that the clerk will work three days per week for 4 to 5 months.

I respectfully request that the City Council authorize hiring a temporary Docket Clerk on a contract basis to assist with the PCE/TCE litigation, and appropriate funds in the amount of \$5,000.00.

FUNDING: Water Fund

D. Stephen Schwabauer
Interim City Attorney

Vicky McAthie, Finance Director

DSS/pn

APPROVED: _____
H. Dixon Flynn, City Manager

RESOLUTION NO. 2004-_____

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING
THE HIRING OF A TEMPORARY DOCKET CLERK TO ASSIST
IN THE MANAGEMENT OF THE ENVIRONMENTAL ABATEMENT
PROGRAM LITIGATION AND APPROPRIATE FUNDS FOR THIS
POSITION

=====

WHEREAS, with the City Attorney's Office undertaking the management of the Environmental Abatement litigation until such time as the City Council hires an Environmental law firm, it is imperative that all documents regarding any and all PCE/TCE litigation be docketed and accounted for; and

WHEREAS, Kronick Moskowitz Tiedemann & Girard has offered one of its Docket Clerks to perform the services at a rate of \$24.00 per hour plus travel expenses. As such, the item does not include benefits or a new temporary or permanent position. The budgeted amount is based on the assumption that the clerk will work three days per week for 4 to 5 months; and

WHEREAS, staff respectfully requests that the City Council authorize hiring a temporary Docket Clerk on a contract basis to assist with the PCE/TCE litigation, and appropriate funds in the amount of \$5,000.00 for this expense.

NOW, THEREFORE, BE IT RESOLVED, that the Lodi City Council does hereby authorize the hiring of a temporary Docket Clerk at a cost of \$24.00 per hour to assist with the Environmental Abatement Program litigation; and

BE IT FURTHER RESOLVED, that funds in the amount of \$5,000.00 be appropriated from the Water fund to cover this expense.

Dated: February 18, 2004

=====

I hereby certify that Resolution No. 2004-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 18, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS -

ABSENT: COUNCIL MEMBERS -

ABSTAIN: COUNCIL MEMBERS -

SUSAN J. BLACKSTON
City Clerk

2004-_____

Comments by the City Council Members on non-agenda items